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Selected Subjects

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Aviation Safety
Federal Aviation Administration

Bridges
Coast Guard

Hazardous Waste
Environmental Protection Agency

Low and Moderate Income Housing
Housing and Urban Development Department

Mortgage Insurance
Housing and Urban Development Department

Natural Gas
Federal Energy Regulatory Commission

Occupational Safety and Health
Occupational Safety and Health Administration

Postal Service
Postal Service

Radio
Federal Communications Commission

Radio Broadcasting
Federal Communications Commission

CONTINUED INSIDE

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Satellites
National Aeronautics and Space Administration

Surface Mining
Surface Mining Reclamation and Enforcement Office

Contents

Federal Register
Vol. 50, No. 14
Tuesday, January 22, 1985

Agriculture Department
See Soil Conservation Service.

Alcohol, Tobacco and Firearms Bureau
RULES
Alcohol; viticultural area designations:
2782 Madera, California; correction
PROPOSED RULES
Alcoholic beverages:
2832 Wine, juice, and distilling materials; materials and processes for production and treatment; extension of time
NOTICES
Organization, functions, and authority delegations:
2880 Firearms and Explosives Division, Chief, et al.; firearms registration and transfer record

Arms Control and Disarmament Agency
NOTICES
2842 Visiting scholars program

Army Department
NOTICES
Environmental statements; availability, etc.:
2847 Chemical agent monitor
Meetings:
2847 Science Board
2847 Science Board; cancellation (2 documents)

Coast Guard
RULES
Drawbridge operations:
2785 New Jersey
2786 Washington

Commerce Department
See International Trade Administration.

Consumer Product Safety Commission
NOTICES
Settlement agreements:
2845 Honeywell, Inc.

Defense Department
See Army Department.

Drug Enforcement Administration
NOTICES
Schedules of controlled substances; production quotas:
2866 Schedules I and II; 1985 aggregate

Economic Regulatory Administration
NOTICES
Electricity export and import authorizations, permits, etc.:
2850 Northern States Power Co.

Education Department
NOTICES
Grants; availability, etc.:
2848 Discretionary grant programs
2849 Veterans cost of instruction payments program

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
2849 Inventions available for license

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
2820 Guam
Hazardous waste program authorizations:
2821 Missouri
2820 Tennessee
PROPOSED RULES
Air quality planning purposes; designation of areas:
2832 Hawaii
NOTICES
Hazardous waste:
2857 Resource Conservation and Recovery Act amendments; video teleconference tapes; availability

Federal Aviation Administration
RULES
Airworthiness directives:
2771, 2773 Boeing (3 documents)
2774 Gulfstream Aerospace
2776 Standard instrument approach procedures
2775 Transition areas
PROPOSED RULES
Airworthiness directives:
2824 British Aerospace
2825 Control zones; withdrawn
2827 Restricted areas; advance notice
2825, 2826 Transition areas (2 documents)
NOTICES
2879 National airspace review enhancement plan; meeting date change

Federal Communications Commission
PROPOSED RULES
Common carrier services:
2833 MTS and WATS market structure, etc.; Florida plan
Radio broadcasting:
2835 FM broadcasting assignments; increased availability
Radio services, special:
2837 Private land mobile services; application processing procedures
NOTICES
Hearings, etc.:
2858 Hoffman Communications, Inc., et al.
2861 Minority Communications of California, Inc., et al.

2857 Paul, Christine E., et al.
2862 Woodridge Enterprises, Inc., et al.
Meetings:
2858 Radio Broadcasting Advisory Committee

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act; ceiling prices for high cost natural gas produced from tight formations:
2778 Texas
PROPOSED RULES
Natural Gas Policy Act:
2829 Ceiling prices for high cost natural gas to commodity values; limitation on incentive prices; extension of time
NOTICES
Hearings, etc.:
2854 Algonquin Gas Transmission Co.
2855 Illinois Power Co.
2856 Ladd Petroleum Corp.
2856 Sullivan Drilling Co. et al.
2857 Texas Gas Transmission Corp.
2888 Meetings; Sunshine Act
Natural gas certificate filings:
2851 Columbia Gas Transmission Corp. et al.

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
2879 Lahaina District, HI

Federal Maritime Commission
NOTICES
2863 Organization, functions, and authority delegations

Federal Reserve System
NOTICES
Bank holding company applications, etc.:
2863 Baltimore Bancorp
2863 Fidelcor, Inc.
2863 Peoples Financial Corp., Inc., et al.

Federal Trade Commission
PROPOSED RULES
2829 Health spas; staff report publication

Fish and Wildlife Service
NOTICES
Environmental statements; availability, etc.:
2865 Waterfowl hunting in U.S.; use of steel shot
2865, 2866 Marine mammal permit applications (2 documents)

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
2779 Procaine penicillin G aqueous suspension

Health and Human Services Department
See Food and Drug Administration; National Institutes of Health.

Housing and Urban Development Department
RULES
Low income housing:
2781 Elderly or handicapped housing; interest rate
Minimum property standards:
2781 Technical suitability of products program; user fee schedule
Mortgage and loan insurance program:
2779 Methods for calculating one-time mortgage insurance premiums and unearned premium refund factors
PROPOSED RULES
Mortgage and loan insurance programs:
2830 Board and care homes

Interior Department
See Fish and Wildlife Service; National Park Service; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
NOTICES
2880 Privacy Act; systems of records

International Trade Administration
NOTICES
Antidumping:
2844 Chloropicrin from China
Scientific articles; duty free entry:
2845 University of Chicago et al.

Justice Department
See Drug Enforcement Administration.

Labor Department
See Occupational Safety and Health Administration.

National Aeronautics and Space Administration
RULES
2777 Tracking and data relay satellite system; use and reimbursement policy; service rates

National Credit Union Administration
NOTICES
2888 Meetings; Sunshine Act

National Institutes of Health
NOTICES
Meetings:
2864 National Cancer Institute
2864 National Heart, Lung, and Blood Institute
2864 Research Grants Division study sections
Recombinant DNA molecules research:
2940 Human somatic-cell gene therapy protocols; inquiry

National Park Service
NOTICES
Concession contract negotiations:
2866 Crafts of Nine States, Inc.
National trails system:
2866 Appalachian National Scenic Trail; rights-of-way relocation

National Science Foundation
NOTICES
Meetings:
2867 Regulatory Biology Advisory Panel

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
2869 Florida Power & Light Co.

2870 General Public Utilities Nuclear Corp.
2871 Power Authority of State of New York
Environmental statements; availability, etc.:
2868 Maine Yankee Atomic Power Co.
2867 Export and import license applications for nuclear facilities or materials (Transnuclear, Inc., et al.)
2868 Regulatory guides; issuance, availability, and withdrawal

Occupational Safety and Health Administration
PROPOSED RULES
Health and safety standards:
2890 Powered platforms for exterior building maintenance

Pacific Northwest Electric Power and Conservation Planning Council
NOTICES
Meetings:
2875 State Agency Advisory Committee

Postal Service
RULES
Domestic Mail Manual:
2787 Rates, fees, and classifications changes; final rule and request for comments

Securities and Exchange Commission
NOTICES
Applications, etc.:
2875 Financial Industrial Fund, Inc., et al.
2877 Janus Fund, Inc., et al.
2878 MFS Government Guaranteed Securities Trust et al.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
2842 Lower Winooski River Watershed, Vermont

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission; various States:
2872 Maryland

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration
NOTICES
Aviation proceedings; hearings, etc.:
2879 Jet Charter Service, Inc.
2879 Pacific East Air, Inc.
2879 Ports of Call Travel Club, Inc.
2880 Southwest Airlines Co.

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

List of Separate Parts in this Issue

Part II
2890 Department of Labor, Occupational Safety and Health Administration

Part III
2940 Department of Health and Human Services; National Institutes of Health

Reader Aids
Additional Information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

14 CFR
39 (4 documents)..... 2771-2774
71..... 2775
97..... 2776
1215..... 2777
Proposed Rules:
39..... 2824
71 (3 documents)..... 2825, 2826
73..... 2827

16 CFR
Proposed Rules:
443..... 2829

18 CFR
271..... 2778
Proposed Rules:
271..... 2829

21 CFR
540..... 2779

24 CFR
Ch. II..... 2779
200..... 2781
885..... 2781
Proposed Rules:
232..... 2830

27 CFR
9..... 2782
Proposed Rules:
4..... 2832
240..... 2832

29 CFR
Proposed Rules:
1910..... 2890

30 CFR
920..... 2782

33 CFR
117 (2 documents)..... 2785, 2786

39 CFR
111..... 2787

40 CFR
52..... 2820
271 (2 documents)..... 2820, 2821
Proposed Rules:
81..... 2832

47 CFR
Proposed Rules:
67..... 2833
73..... 2835
90..... 2837

Rules and Regulations

Federal Register
Vol. 50, No. 14
Tuesday, January 22, 1985

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-86-AD; Amdt. 39-4926]

Airworthiness Directives: Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Airworthiness Directive (AD) 75-09-04 which requires repetitive inspections of the horizontal stabilizer rear spar center section for cracks. This amendment adds an alternate means of compliance which will allow adjustment of the repetitive inspection intervals specified in the AD to permit compliance at an established inspection period of an operator, if the request contains substantiating data to justify the increase for that operator.

EFFECTIVE DATE: January 22, 1985.

ADDRESSES: The service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information also may be examined at Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Don Gonder, Airframe Branch, Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office; telephone (206) 431-2927. Mailing address: Seattle Aircraft Certification Office, ANM-120S, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 75-09-04, Amendment 39-2174 (40 FR 17139; April 17, 1975), requires a repetitive inspection of the horizontal stabilizer rear spar center section for cracks every 3000 hours time in service until the part is replaced with an improved part. If cracks are found in the upper or lower flanges, an interim repair is required with a reinspection required every 1500 hours time in service until the part is replaced.

Currently, any adjustment to these reinspection intervals requires the granting of an exemption because the usual provision for adjustment was omitted from the original issue of the AD. Since issuing the AD, the FAA has received and granted seven petitions for exemption from the required inspection intervals. Such petitions are reviewed first, to assure that the petitioner has substantiated that safety will not be adversely affected, and secondly, to assure that aircraft are not removed from service unnecessarily. Petitioners have shown in these cases that their maintenance procedures inhibit crack initiation or prevent additional crack growth. Under the usual provisions for adjustment contained in FAA airworthiness directives, such substantiation would be considered adequate for increasing the inspection intervals and an exemption would not be necessary.

For these reasons, it has been determined that AD 75-09-04 should be amended to allow FAA Maintenance Inspectors, with prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, to adjust the repetitive inspection intervals contained in the AD if the request from the operator to do so contains substantiating data to justify the increase for that particular operator.

This amendment only specifies an alternate means of compliance and the existing AD already provides for FAA approval of equivalent or other means of compliance. It imposes no additional economic or regulatory burden on any person. Therefore, it is found that notice and public procedure hereon are unnecessary and good cause having been shown therefor, the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-2174 (40 FR 17139; April 17, 1975) AD 75-09-04 by adding a new paragraph D. which reads as follows:

"D. Upon request of an operator, an FAA Maintenance Inspector, subject to the prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the inspection intervals in this AD, if the request contains substantiating data to justify the increase for that operator."

This amendment becomes effective January 22, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves an amendment that only provides for an alternate means of compliance and does not impose any additional regulatory or economic burden on any person. This amendment is, therefore, not major under Executive Order 12291 (44 FR 13193; February 19, 1981) and is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. For these reasons and because few, if any, Model 727 series airplanes are operated by small entities, I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, on September 25, 1984.

Frederick M. Isaac,

Acting Director, Northwest Mountian Region.

[FR Doc. 85-1558 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 84-NM-69-AD; Amdt. 39-4982]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires structural inspections and repair, or modification as necessary, of the frames adjacent to the forward airstair doorway cutout. The AD is prompted by numerous reports of cracking of these frames. Concurrent cracking of the frames and door cutout internal doubler can result in sudden loss of cabin pressure and possible blowout of the airstair door.

DATE: Effective February 25, 1985.

Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207. This information may also be examined at the Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM–120S; telephone (206) 431–2926. Mailing address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection, repair, or modification, as necessary, of the frames adjacent to the forward airstair doorway cutout on certain Boeing Model 737 series airplanes was published in the **Federal Register** on September 11, 1984 (49 FR 35646). The comment period for the proposal closed on October 29, 1984.

The proposal was prompted by numerous reports of cracks in the frames adjacent to the forward airstair doorway cutout. In several cases the frames were cracked almost completely through the frame flange and web. The cracks are attributed to fatigue in all instances.

Interested persons have been afforded an opportuntity to participate in the making of this AD and due consideration has been given to the only comment received.

An operator requested that the repeat inspection interval for Group I airplanes be increased from the proposed 3000 flight cycles to 4000 flight cycles. As a basis for the request, this operator cited no previous crack findings using the standard eddy current and visual inspection at 3500 flight cycles. The FAA does not concur with the request. An inspection history without cracks does not justify increased intervals; however, utilization of improved inspection methods, such as eddy current in addition to the proposed visual inspection, may justify such an increase. The AD does provide for such alternate means of compliance in paragraphs I. and J., and operators may submit such a specific request accordingly.

It is estimated that 200 airplanes of U.S. registry will be affected by this AD, and that approximately 4 manhours per airplane is required to perform the necessary inspections. Based on an average labor cost of $40 per manhour, the total cost to U.S. operators for accomplishment of the required inspections is $32,000.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model 737 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes certificated in all categories listed in Boeing Service Bulletin 737–53A1064, Revision 3, dated November 23, 1983. To prevent sudden loss of cabin pressure resulting from undetected cracking of the frames adjacent to the forward airstair, accomplish the following prior to accumulation of 29,000 landings, or within 90 days from the effective date of this AD, whichever occurs later, unless previously accomplished:

A. Visually inspect for cracks the body station 351.2 and 360 frames in accordance with the Flight Safety Addendum in Boeing Service Bulletin 737–53A1064, Revision 3, or later FAA approved revisions. Repeat the internal visual inspection at intervals not exceeding 3000 landings for Group 1 airplanes without external doublers installed in accordance with Boeing Service Bulletin 737–53–1058. For all other airplanes, repeat the inspection at intervals not exceeding 6000 landings.

B. If cracks are detected, repair before further flight in accordance with Service Bulletin 737–53A1064, Revision 3, or later FAA approved revisions, and continue the repetitive inspections of paragraph A., above.

C. As an alternative to the internal inspections of paragraph A., above, operators may visually inspect the external skin for cracks in the area of the forward airstair door cutout in accordance with Boeing Service Bulletin 737–53A1064, Revision 3, or later FAA approved revisions. Repeat external skin inspections at intervals not exceeding 300 landings until the internal frame inspection of paragraph A. is accomplished within 3000 flight cycles of the initial external visual inspection. Continue inspections in accordance with paragraph A.

E. If skin cracks are detected, unless previously accomplished during the same inspection period, inspect the frames in accordance with paragraph A., above. Repair cracks in accordance with the Structural Repair Manual or Boeing Service Bulletin 737–53–1058, as applicable, and continue the inspections of paragraph A.

F. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197 and 21.199 with prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

G. Modification of airplanes in accordance with the Accomplishment Instructions, Part II of Boeing Service Bulletin 737–53A1064, Revision 3, or later FAA approved revisions, constitutes terminating action for this AD.

H. For purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the airplane type.

I. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD, if the request contains substantiating data to justify the increase for the operator.

J. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, Northwest Mountain Region, Seattle, Washington.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective Feb. 25, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430 and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on January 10, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-1546 Filed 1-18-85; 8:45 am]

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14 CFR Part 39

[Docket No. 84-NM-67-AD; Amdt. 39-4983]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection and repair, as necessary, of the side of body rib upper chord at body buttock line (BBL) 70.85 and body station (BS) 663.75 on certain Boeing Model 737 series airplanes to ensure continued airworthiness. This action has been prompted by numerous reports of cracking in this vicinity. Failure to detect cracks in the BBL 70.85 rib upper chord prior to their reaching critical length may result in severe reduction of load carrying capability and possible rapid loss of cabin pressure.

DATE: Effective February 25, 1985.

Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The applicable service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207, or may be examined at the Federal Aviation Administration, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM-120S; telephone (206) 431-2926. Mailing address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection and repair, as necessary, of the body buttock line (BBL) 70.85 upper rib chord on certain Boeing Model 737 series airplanes was published in the Federal Register on September 11, 1984 (49 FR 35647). The comment period for the proposal closed on October 29, 1984.

The proposal was prompted by numerous reports of cracks in both the BBL 70.85 rib upper chord and the body station (BS) 663.75 bulkhead fitting. Cracks typically have occurred in the aft vicinity of the upper wing-to-body joint and are attributed to fitup stresses and subsequent fatigue.

Interested persons have been afforded an opportunity to participate in the making of this AD and due consideration has been given to all comments received.

One commenter objected to the 90-day limit before compliance with the rule is required and recommended that the limit be extended. The FAA recognizes the potential hardship of the 90-day limitation and has determined that it may be extended without compromising safety. The AD has been amended, accordingly, to require compliance within 180 days or 2500 flight cycles, whichever occurs later.

Two commenters, requested that the reinspection of "Revision 2" modifications, which have been found cracked and repaired in accordance with the interim repair method of Table I under the Accomplishment Instructions of Service Bulletin 737-57-1087, be allowed to continue at the 1500 flight cycle intervals for two years. This was the intent of paragraphs A. and B. of the amendment as proposed. Paragraph A. of the proposed amendment required inspections in accordance with Table I of the Flight Safety Addendum which provides for visual inspection of the internal and external repair angles installed in accordance with Revision 2, or earlier versions, of Boeing Service Bulletin 737-57-1087. Paragraph B. of the proposed amendment required repair of any cracks, before further flight, in accordance with Revision 4, or later FAA approved revisions of the manufacturer's service bulletin. This includes the "stop drilling" provisions of Table I of the "Accomplishment Instructions." To preclude any potential misunderstanding, the AD has been revised to clarify the intent of Paragraphs A. and B.

A commenter requested that replacement of cracked "Revision 2" angles with new "Revision 2" angles be allowed as an option to accomplish the Preventative Modification portion of the manufacturer's service bulletin. Provided the Flight Safety Addendum inspections are observed, the FAA concurs that part replacement is an acceptable alternative repair and the AD has been revised accordingly.

Finally, one commenter objected to repeat inspections on the internal repair angles installed in accordance with Revision 2 of the manufacturer's service bulletin, citing no history of cracks in these parts and the difficulty of access as the basis for the objection. The FAA has determined that there is equal probability of cracking in both the external and internal angles. Furthermore, the AD provides terminating action with the Preventative Modification in Revision 4 to the manufacturer's service bulletin. The FAA does not concur with the request to exclude internal repair angles from the repeat inspections.

It is estimated that 250 airplanes of U.S. Registry will be affected by this AD, and that it will take approximately 64 manhours per airplane to accomplish the required inspection. Based on an average labor cost of $40 per manhour, the total cost to the U.S. fleet for accomplishment of the AD is estimated to be $640,000.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes as noted.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model 737 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **FOR FURTHER INFORMATION CONTACT.**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes certificated in all categories listed in Boeing Service Bulletin 737–57–1087, Revision 4, dated November 18, 1983. Unless previously accomplished, prior to the accumulation of 10,000 landings or within 180 days or 2500 flight cycles after the effective date of this AD, whichever occurs later, accomplish the following to detect cracking which may lead to failure of the body buttock line (BBL) 70.85 rib upper chord:

A. Visually inspect the BBL 70.85 rib upper chord for cracks in accordance with Table I of the Flight Safety Addendum of Boeing Service Bulletin 737–57–1087, Revision 4, or later FAA approved revisions. Repeat the inspections at intervals not to exceed 5000 landings.

B. Visually inspect the BBL 70.85 rib upper chord repair angles installed in accordance with Boeing Service Bulletin 737–57–1087, Revision 2, or earlier FAA approved revisions, for cracks in accordance with Table I of the Flight Safety Addendum of Boeing Service Bulletin 737–57–1087, Revision 4 or later FAA approved revisions. Repeat the inspection at intervals not to exceed 5000 landings.

C. If cracks are detected, prior to further flight replace or repair cracked parts in accordance with Table I of the "Accomplishment Instructions" in Boeing Service Bulletin 737–57–1087, Revision 4, or later FAA approved revisions; and continue the repetitive inspections of paragraph A., above, at intervals not to exceed 5000 landings.

D. Parts repaired in accordance with the "stop drilling" interim action (a) in Table I of the "Accomplishment Instructions" of Boeing Service Bulletin 737–57–1087, Revision 4, must be reinspected at intervals not to exceed 1500 landings and must be repaired in accordance with Part III or IV of Boeing Service Bulletin 737–57–1087, Revision 4, or later FAA approved revisions, within two years of the accomplishment of the interim repair.

E. The requirements of this AD are terminated if the Preventative Modification Part III or the Special Modification Part IV of the Accomplishment Instructions in Boeing Service Bulletin 737–57–1087, Revision 3, or later FAA approved revisions, is incorporated.

F. Airplanes may be ferried to a maintenance base for repairs or replacement of parts in accordance with FAR 21.197 and 21.199 with prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

G. For the purpose of this AD, and when approved by an FAA Maintenance Inspector, the number of landings may be computed by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

H. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, Seattle, Washington.

I. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of an operator, if the request contains sustantiating data to justify the adjustment period.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 25, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430 and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on January 11, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–1545 Filed 1–18–85; 8:45 am]

BILLING CODE 4910–B–M

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14 CFR Part 39

[Docket No. 84–NM–92–AD; Amdt. 39–4927]

Airworthiness Directives; Gulfstream Aerospace Corporation, Model G–159 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD) applicable to Gulfstream Aerospace Corporation Model G–159 airplanes. The manufacturer has recently completed tests of the engine mounts which indicate that the life limits, as well as the repetitive inspection intervals, may be extended with no adverse impact on safety. This amendment incorporates these changes and clarifies certain corrective action requirements presently contained in the AD.

DATES: Effective January 22, 1985. Compliance as prescribed in the body of the AD.

ADDRESSES: Gulfstream I Customer Bulletin Number 241C, dated July 10, 1984, may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31402. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Jack C. Bentley, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, Central Region, 1075 Inner Loop Road, College Park, Georgia 30337; telephone (404) 763–7407.

SUPPLEMENTARY INFORMATION: Airworthiness Directive (AD) 74–03–01, Amendment 39–3667 (38 FR 23962), applicable to Gulfstream Aerospace Corporation Model G–159 airplanes, requires initial and repetitive inspections of the engine mount for corrosion, establishes engine mount life limit requirements, provides instructions for the replacement of engine mounts, and provides instructions to prevent or retard future corrosion of engine mount assemblies. Subsequent to the issuance of AD 74–03–01, the manufacturer completed static and fatigue tests of the Model G–159 engine mounts and revised its Customer Bulletin No. 241 to implement changes in inspection intervals and life limits developed from the testing. The FAA has reviewed these changes and has determined that they will not adversely affect safety and are acceptable.

Inasmuch as this amendment is essentially only a substitution of procedures contained in Gulfstream Aerospace Corporation's new service bulletin (Number 241C) for the former one referenced in the existing AD (Number 241A); and the AD already provides for the use of later FAA-approved revisions or any other "equivalent manner" approved by the FAA; and further, since the remainder of the amendment is clarifying in nature, it is found that notice and public procedure hereon are unnecessary, and good cause having been shown therefor, the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising AD 74–03–01, Amendment 39–3667 (38 FR 23962), to read as follows:

Gulfstream Aerospace Corporation: Applies to Model G–159 airplanes, certificated in all categories. Compliance is required as indicated, unless already accomplished.

To detect and prevent corrosion or failure of the forward and aft engine mount assemblies, Vickers Drawing Number 81037, Sheet 29, and Gulfstream Aerospace Drawing Numbers 159W10432–1 (L/H) and

159W10432-3 (R/H), respectively, accomplish the following unless already accomplished:

(a) Within 200 hours time in service or four months after the effective date of this AD, whichever is sooner, inspect the forward and aft engine mounts, L/H and R/H, in accordance with Gulfstream I Customer Bulletin Number 241C, dated July 10, 1984, or in an equivalent manner approved by the Manager, Atlanta Aircraft Certification Office, FAA, Central Region.

(b) If corrosion is detected:

(1) Replace corroded tubes in accordance with Customer Bulletin No. 241C before further flight, then revert to the inspections required under Category A, as stated in paragraph (d), below; or

(2) If continued flight is desired, ascertain the remaining wall thickness of the corroded tubes and categorize in accordance with Customer Bulletin No. 241C, and perform the operations for each category as indicated by paragraph (d), below.

(c) If corrosion is not indicated, perform the operations described in paragraph (d), below, for Category A.

(d) *Category A*—Reinspect as in paragraph (a) of this AD for corrosion at intervals not exceeding six years from last inspection.

Category B—Treat the tubes within 50 hours time in service in accordance with Addendum 1 or 4 of Customer Bulletin No. 241C and reinspect for corrosion as in paragraph (a) of this AD at annual intervals for at least two years after treatment. If there are no changes in the thickness measurements, reinspect at intervals not exceeding two years.

Categories C and D—Replace corroded tubes in accordance with Customer Bulletin No. 241C within 150 hours time in service or three months, whichever is sooner; then revert to the inspections required under Category A.

Category E—Replace corroded tubes in accordance with Customer Bulletin No. 241C before further flight; then revert to inspections required under Category A.

(e) To prevent failure of Category B Gulfstream "Grumman mounts," replace the mounts prior to the accumulation of 7500 landings or within the next 25 landings, whichever occurs later within the following time period, in accordance with Gulfstream Aerospace Corporation Gulfstream I Customer Bulletin No. 241C, dated July 10, 1984, or equivalent manner approved by the Manager, Atlanta Aircraft Certification Office, FAA, Central Region:

(1) For airplanes that have accumulated 7500 landings prior to the effective date of this AD, within the next 25 landings after the effective date of this AD.

(2) For airplanes with less than 7500 landings on the effective date of this AD, within the next 25 landings after the accumulation of 7500 landings.

(f) To qualify for service beyond 7500 landings, Category A Gulfstream "Grumman mounts" must accomplish paragraph (g), below, within the following period:

(1) For airplanes that have accumulated 7500 landings prior to the effective date of this AD, within the next 30 days or within 12 months of the last successful mount inspection in accordance with Gulfstream Aerospace Corporation Gulfstream I Customer Bulletin No. 209, Amendment 1, dated May 26, 1977, whichever occurs later; or

(2) For airplanes with less than 7500 landings on the effective date of this amendment, no later than the next 30 days after the accumulation of 7500 landings.

(g) Perform the ultrasonic and visual inspections in accordance with Gulfstream Aerospace Corporation I Inspection Schedule, Section V, Special Inspections, Engine Mounts, dated July 31, 1984, or in an equivalent manner approved by the Manager, Atlanta Aircraft Certification Office, FAA, Central Region. If the inspections indicate negligible or no corrosion and no cracks, then the Grumman mount initially qualifies for the 20,000 landing life limit in accordance with Gulfstream Aerospace Corporation Gulfstream I Inspection Schedule, Section IV, Life Limited Components, dated July 31, 1984, and is no longer required to comply with the inspection requirements of paragraph (a) of this AD. Throughout this extended life limit, the inspections must be repeated at intervals not to exceed 12 months to maintain qualification for the 20,000 landing life limit. If, during such inspection, any mount subassemblies are found to have negligible or no internal corrosion and no cracks, those subassemblies may continue to be used if a detailed record of each life limited subassembly usage is maintained by the operator. If any inspection indicates the presence of unacceptable internal corrosion, replace the affected mount subassembly within the next 25 landings or 30 days, whichever occurs first. If a mount crack is found by any inspection, notify Gulfstream Aerospace Corporation, Technical Services Department, for disposition before further flight. All life limited subassemblies that are not replaced during the repetitive inspections must be replaced by the end of the 20,000 landing life limit established by Gulfstream Aerospace Corporation Gulfstream I Inspection Schedule dated July 31, 1984.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31402. These documents may also be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Atlanta Aircraft Certification Office, FAA, Central Region, 1075 Inner Loop Road, College Park, Georgia.

This Amendment becomes effective January 22, 1985.

This supersedes Airworthiness Directive 74-03-01, Amendment 39-3867 (38 FR 23962).

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and (14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves an amendment that only provides clarification and allows an increase in intervals between required repetitive inspections; it does not impose any additional regulatory or economic burden on any person. This amendment is, therefore, not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. For these reasons and because few, if any, Model G-159 airplanes are operated by small entities, I certify that it will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, on September 25, 1984.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-1544 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-ANM-20]

Establishment of Torrington, WY, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action lowers the base of controlled airspace in the vicinity of the Torrington Municipal Airport, Torrington, Wyoming, to 700' above the surface so that aircraft conducting flight under Instrument Flight Rules (IFR) will have exclusive use of that airspace when the visibility is less than three miles and thereby enhancing the safety of such operations. The additional controlled airspace is needed for aircraft executing a new Standard Instrument Approach Procedure (SIAP) to the Torrington Municipal Airport. This action also changes the airport status from VFR to IFR.

EFFECTIVE DATE: 0901 GMT, March 7, 1985.

FOR FURTHER INFORMATION CONTACT: Kathy Paul, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, WA 98168. The telephone number is (206) 431-2530.

SUPPLEMENTARY INFORMATION:

History

On November 8, 1984, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to lower the base of controlled airspace to 700' above the surface (49 FR 44650).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the base of controlled airspace in the vicinity of the Torrington Municipal Airport, Torrington, Wyoming, to 700' above the surface so that aircraft executing a new Standard Instrument Approach Procedure (SIAP) to that airport will have exclusive use of that airspace when the visibility is less than three miles, thereby enhancing the safety of such operations.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

Torrington, Wyoming—(New)

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Torrington Municipal Airport (Lat. 42°03'50" N, Long. 104°09'16" W); and within 3 miles each side of the 127 degree bearing (115 mag) from the Torrington NDB (Lat. 42°03'58" N, Long. 104°09'10" W) extending from the 8-mile radius to 8 miles southeast of the NDB, and within 3 miles each side of the 287 degree bearing (275 mag) from the Torrington NDB extending from the 8-mile radius to 8 miles northwest of the NDB.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69)

Issued in Seattle, Washington, on January 7, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–1541 Filed 1–18–85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 24429; Amdt. No. 1286]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

EFFECTIVE DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESS: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO–230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also indentifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require

making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Aviation safety, Standard instrument.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By Amending § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN SIAPs identified as follows:

** * * Effective March 14, 1985*

Lakeville, MN—Airlake, VOR–A, Amdt. 1
Ely, NV—Ely Airport/Yelland Fld/, VOR/DME–C, Amdt. 1
Ely, NV—Ely Airport/Yelland Fld/, VOR–A, Amdt. 6

** * * Effective February 28, 1985*

Huntington, IN—Huntington Muni, VOR–A, Amdt. 2, Cancelled
Bowling Green, KY—Bowling Green-Warren County, VOR/RWY 3, Amdt. 11
Bowling Green, KY—Bowling Green-Warren County, VOR/DME RWY 21, Amdt. 3
Russellville, KY—Russellville-Logan County, VOR/DME RWY 24, Amdt. 3
Watertown, SD—Watertown Muni, VOR or TACAN RWY 17, Amdt. 12
Watertown, SD—Watertown Muni, VOR/DME or TACAN RWY 35, Amdt. 8
Centerville, TN—Centerville Muni, VOR RWY 2, Amdt. 5
Centerville, TN—Centerville Muni, VOR/DME RWY 2, Orig.

** * * Effective February 14, 1985*

Devils Lake, ND—Devils Lake Muni, VOR RWY 13, Amdt. 7
Devils Lake, ND—Devils Lake Muni, VOR RWY 31, Amdt. 4

2. By amending § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, and SDF/DME SIAPs identified as follows:

** * * Effective April 11, 1985*

Warsaw, IN—Warsaw Muni, SDF RWY 9, Orig.

** * * Effective March 14, 1985*

Lakeville, MN—Airlake, LOC RWY 29, Orig.

** * * Effective February 28, 1985*

Hopkinsville, KY—Hopkinsville-Christian County, SDF RWY 26, Amdt. 2
Watertown, SD—Watertown Muni, LOC/DME RWY 17, Amdt. 6
Danville, VA—Danville Muni, LOC RWY 2, Amdt. 1

** * * Effective February 14, 1985*

El Dorado, AR—Goodwin Field, LOC RWY 22, Amdt. 4
Del Rio, TX—Del Rio Intl, LOC RWY 13, Amdt. 2

3. By amending § 97.27 NDB and NDB/DME SIAPs identified as follows:

** * * Effective February 28, 1985*

Hopkinsville, KY—Hopkinsville-Christian County, NDB RWY 26, Amdt. 2
Kenansville, NC—P.B. Raiford, NDB RWY 22, Amdt. 3
Britton, SD—Britton Muni, NDB RWY 13, Amdt. 2
Watertown, SD—Watertown Muni, NDB RWY 35, Amdt. 4

** * * Effective February 14, 1985*

Cleveland, OH—Cleveland-Hopkins Intl, NDB RWY–5R, Amdt. 1
Aurora, OR—Aurora State, NDB RWY 17, Orig.

4. By amending § 97.29 ILS ILS/DME, ISMLS, MLS, MLS/DME and MLS/RNAV SIAPs identified as follows:

** * * Effective March 14, 1985*

St. Jospeh, MO—Rosecrams Memorial, ILS RWY 35, Amdt. 28

** * * Effective February 28, 1985*

Watertown, SD—Watertown Muni, ILS RWY 35, Amdt. 7

** * * Effective February 14, 1985*

Meridian, MS—Key Field, ILS RWY 1, Amdt. 22
Devils Lake, ND—Devils Lake Muni, ILS RWY 31, Orig.
Cleveland, OH—Cleveland-Hopkins Intl, ILS RWY 5R, Amdt. 11
Cleveland, OH—Cleveland-Hopkins Intl, ILS RWY 23L, Amdt. 10
Houston, TX—West Houston-Lakeside, MLS STOL RWY 15, Orig.

5. By amending § 97.31 RADAR SIAPS identified as follows:

** * * Effective February 28, 1985*

Columbia, SC—Columbia Metropolitan, RADAR–1, Amdt. 5

** * * Effective February 14, 1985*

Cleveland, OH—Cleveland-Hopkins Intl, RADAR–1, Amdt. 28

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective March 14, 1985*

Lakeville, MN—Airlake, RNAV RWY 29, Amdt. 1

** * * Effective February 14, 1985*

Cleveland, OH—Cleveland-Hopkins Intl, RNAV RWY 10L, Amdt. 8
Cleveland, OH—Cleveland-Hopkins Intl, RNAV RWY 18, Amdt. 8
Cleveland, OH—Cleveland-Hopkins Intl, RNAV RWY 36, Amdt. 8

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washingon, D.C. on January 11, 1985.

John S. Kern,

Acting Director of Flight Operations.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

[FR Doc. 85–1540 Filed 1–18–85; 8:45 am]
BILLING CODE 4910–13–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1215

Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: The existing rule states that rates for Tracking and Data Relay Satellite System (TDRSS) services will be set by the Associate Administrator for Space Tracking and Data Systems at NASA Headquarters. 14 CFR Part 1215 is being amended by revising Appendix A to reflect the rate changes for CY 1986. Since this revision involves NASA management procedures and decisions, no public comment is required.

EFFECTIVE DATE: January 22, 1985.

ADDRESS: Office of Space Tracking and Data Systems, Code T, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Jack W. Wild, 202–453–2030.

List of Subjects in 14 CFR Part 1215

Satellites, Tracking and data relay satellite, Communications equipment, Government contract, Government procurement, Space transportation and exploration.

PART 1215—TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS)

For reasons set out in the Preamble, Appendix A to 14 CFR Part 1215 is revised to read as follows:

* * * * *

Appendix A—Estimated Service Rates in 1986 Dollars for TDRSS Standard Services (Based on NASA Escalation Estimate)

TDRSS user service rates for services rendered in CY–86 based on current projections in 1986 dollars are as follows:

Single Access Service—Forward command, return telemetry, or tracking, or any combination of these, the base rate is $128.00 per minute for non-U.S. Government users.

Multiple Access Forward Service—Base rate is $28.00 per minute for non-U.S. Government users.

Multiple Access Return Service—Base rate is $9.00 per minute for non-U.S. Government users.

* * * * *

Robert O. Aller,

Associate Administrator for Space Tracking and Data Systems.

[FR Doc. 85–1535 Filed 1–18–85; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76–231 (Texas—14 Addition); Order No. 410]

High-Cost Gas Produced From Tight Formations; Texas

Issued: January 18, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized under section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Gas so designated may receive an incentive price. Under section 107(c)(5), the Commission issued a final rule designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1983)). Jurisdictional agencies may submit recommendations of areas for designation as tight formation. This order adopts the recommendation of the Railroad Commission of Texas that an additional area of the Wolfcamp Formation located in Sutton County, Texas, Railroad Commission District 7C be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective February 19, 1985.

FOR FURTHER INFORMATION CONTACT: James Whitfield Jr., (202) 357–8213 or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A.G. Sousa, Oliver G. Richard III and Charles G. Stalon.

The Commission amends § 271.703(d) of its regulations[1] to include an additional area of the Wolfcamp Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued on August 14, 1984 (49 FR 32858, August 17, 1984) based on a recommendation by the Railroad Commission of Texas (Texas) under § 271.703 that an additional area of the Wolfcamp Formation,[2] located in Sutton County, Texas, be designated a tight formation. Comments on the proposed rule were invited and none were received. No party requested a hearing and no hearing was held.

Evidence submitted by Texas supports the assertion that the additional area of Wolfcamp Formation, located in Sutton County, Texas, meets the guidelines contained in § 271.703(c)(2).

The Commission adopts the recommendation.

[1] 18 CFR 271.703(d) 1983.

[2] The designated formation consists of sections 50, 51, 55, 56, 57, and 77, Block B, H. E. and W. T. RR Survey, with the north side lying approximately one-half mile east of Sonora, Texas. Previously, the Commission designated a portion of the Wolfcamp Formation in Loving and Pecos Counties, Texas, as a tight formation under § 271.703, by issuance of Order No. 213 (Texas–14) on February 22, 1982, in Docket No. RM79–76–064.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Part 271 is amended as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by revising paragraph (d) (70) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(70) *Wolfcamp Formation in Texas.* RM79–76 (Texas–14).

(i) *Wolfcamp Formation in the Gomez, NW. (Wolfcamp) Fields.*

(A) *Delineation of Formation.* The specific areas of the Wolfcamp Formation are found in (*1*) the Gomez, NW. (Wolfcamp) Field, in northern Pecos County northwest of Fort Stockton, Texas, underlying approximately 24,457 acres, and in (*2*) the Wolf (Wolfcamp) Field, in the extreme southwestern portion of Loving County, between the town of Mentone, Texas, and the Pecos River in Sections 78–82, Block 33, H&TC RR Company Survey.

(B) *Depth.* The top and base of the Wolfcamp Formation are encountered at the approximate depths of 11,384 feet and 11,720 feet, respectively, in the Gomez, N.W. (Wolfcamp) Field, and at the approximate depths of 10,118 feet and 10,696 feet, respectively, in the Wolf (Wolfcamp) Field.

(ii) Wolfcamp Formation in Sutton County—(A) *Delineation of Formation.* The Wolfcamp Formation is found in Sutton County, Texas, Railroad Commission District 7C. The designated area consists of Sections 50, 51, 55, 56, 57, and 77, Block B, H. E. & W. T. RR Survey.

(B) *Depth.* The Wolfcamp Formation in the designated area lies at a subsea depth of approximately 2,400 feet, with an approximate thickness of 1,270 feet. The Wolfcamp Formation in the

designated area is defined as that interval found between the log depths of 3,530 feet to 4,800 feet in the William Perlman Fields 50 No. 1 well.

[FR Doc. 85-1558 Filed 1-18-85; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 540

Penicillin Antibotic Drugs for Animal Use; Procaine Penicillin G Aqueous Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by G.C. Hanford Manufacturng Co., providing for safe and effective intramuscular use of procaine penicillin G aqueous suspension in cattle, horses, sheep, and swine for treating certain bacterial infections.

EFFECTIVE DATE: January 22, 1985.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Center for Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: G.C. Hanford Manufacturing Co., P.O. Box 1055, Syracuse, NY 13201, filed NADA 65-493 providing for intramuscular use of procaine penicillin G aqueous suspension in cattle and sheep for treating bacterial pneumonia (shipping fever) caused by *Pasteurella multocida*; in swine for treating erysipelas caused by *Erysipelothrix rhusiopathiae* (*insidiosa*); and in horses for treating strangles caused by *Streptococcus equi*. Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fischers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Center's findings of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(iii)), may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 540

Animal drugs, Antibiotics, Penicillin.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.274b [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), § 540.274b *Procaine penicillin G aqueous suspension* is amended in paragraph (c)(3)(ii) by inserting "010515" before the phrase "and 010719."

Effective date. January 22, 1985.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)))

Dated: January 11, 1985.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 85-1560 Filed 1-18-85; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Ch. II

[Docket N-85-1492; FR-1958]

One-Time Mortgage Insurance Premium; Method Used to Calculate Premium and Unearned Premium Refund Factors

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Rule-related notice.

SUMMARY: This notice announces the factors currently used to determine one-time mortgage insurance premiums. It also announces a change in the way refund checks will be issued by the Department of qualifying mortgagors and announces a revised method adopted by HUD used to calculate the premium and unearned premium refund factors.

EFFECTIVE DATE: January 22, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. G. Dixon, Actuarial Branch, Office of Financial Management, Room 9138, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-5880. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department published a final rule on June 23, 1983 (48 FR 28794, effective September 1, 1983), announcing a new method of collecting FHA mortgage insurance premiums (MIPs) for certain single-family mortgages insured under section 203 of the National Housing Act. For certain classes of mortgages insured on or after September 1, 1983, under section 203 for which claims would be obligations of the Mutual Mortgage Insurance Fund, the borrower pays a single premium when the mortage loan is closed. This payment represents the total premium obligation for the term of the insured loan. The rule also provides for refunds of unearned premiums if the insurance is terminated before the end of the term of the loan without a claim made against the Department.

Today's notice announces three things related to the one-time premium system. First, it states a revised method of issuing refund checks. The Preamble of the June 23, 1983, final rule indicated that, where a refund check is issued, it would be made payable jointly to the mortgagee and the mortgagor. The Department has determined that it is possible and preferable to issue refund checks in the same way the Department currently issues checks for distributive shares. Therefore, any unearned premium refund check will be made payable to the mortgagor only. A separate mortgagee letter (Mortgagee Letter 84-9) has been issued by the Department, which explains in more detail the refund procedure.

Second, this Notice announces the current one-time mortgage insurance premium factors used to determine the amount of the MIP due at closing. These factors will be used until further notice and are the same as those announced in the June 23, 1983 final rule.

Section 423 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181, approved November 30, 1983; 1983 Act) amended the National Housing Act (NHA) to increase the maximum

insurable mortgage amount under the NHA by the amount of the mortgage insurance premium paid at the time the mortgage is insured. Under the provisions of the Department's 1983 final rule, the amount of the MIP that could be financed was limited by applicable loan-to-value limitations. Since this is no longer an impediment to financing the one-time MIP, the one-time MIP Factors table (set out below) has been simplified. Factors are still indicated for the standard mortgage terms, but are indicated for only two amortization options—if none of the MIP is financed at closing ("0" on the Table) or if all of the MIP is financed at closing ("100" on the Table). The rule implementing section 423 of the 1983 Act may be found at 24 CFR 203.18c.

TABLE I.—ONE-TIME MIP FACTORS

Portion of MIP financed (percent)	Repayment term (in years)			
	Less than 18	18–22	23–25	Over 25
100	.02400	.03000	.03600	.03600
0	.02344	.02913	.03475	.03661

And third, this Notice announces a revised procedure used to calculate the MIP and unearned premium refund factors. The revision is minor and technical in nature and will result in an increase in the amount of unearned premium to be refunded to a mortgagor who prepays the loan. For administrative simplicity and because this is beneficial to the FHA mortgagor, HUD has decided to make this change retroactive to September 1, 1983, and thus applicable to all insured mortgages under the one-time MIP collection system.

Because the specific explanation of the procedure involves complex mathematics, the Department has determined that it would not be useful or appropriate to reprint the entire formulation in this notice. The discussion which follows lays out the general assumptions used in the calculations and includes tables designed to provide specific information of interest.

For those interested in all of the mathematical notations, the entire formula was presented in the April, 1984, issue of *Mortgage Banking* magazine, in an article entitled "Single Premium Plan Premiere". (Vol. 44, No. 7, pp. 84–92.)

The one-time FHA mortgage insurance premium is calculated so that the present value of expected (earned premium) income equals the sum of the present value of expected expenses or costs.

The present value of expected costs is equal to the present value of the sum of future: (1) Losses due to insurance claims (i.e., claim terminations), and (2) staff salaries and other adminstrative expenses.

The present value of expected premium income is equal to the premium paid at closing minus the present value of expected refunds of unearned premium. Such refunds are paid primarily to those who prepay their loans before maturity. We can summarize the above symbolically as:

Premiums—Refunds = Claim Costs + Salaries and Expenses or, equivalently, as

Premiums = Claim Costs + Salaries and Expenses + Refunds

Assumptions

The following basic assumptions are employed:

1. We assume that the contract annual interest rate is 12 percent.

2. We assume that the annual discount rate (i.e., the interest rate at which HUD can invest its money) is 10 percent and that interest is paid semiannually.

3. We assume that the patterns of claim terminations and nonclaim terminations (e.g., prepayments) follow those displayed in the survivorship table [1] that constitutes Table II. These estimates are based on FHA experience from 1957–1981. Moreover, we assume that such terminations occur in the middle of each policy year.

4. We assume that the loss ratio is 43.27 percent. This represents the average proportion of the outstanding balance that HUD loses on claim terminations. Our estimate is based on 1978–1982 experience and is adjusted to account for the relatively higher claim rates among smaller FHA-insured mortgages.

5. We assume that the expense factor is 0.1587 percent. This represents the portion of the average outstanding balance on each policy required to pay for staff salaries and other administrative expenses. The estimate of 0.1587 percent is based on an average of the experience for fiscal years 1970–1983.

6. We assume that no unearned premium refunds are paid during the 30th policy year.

7. We assume that 100 percent of the mortgage insurance premium is financed (i.e., added to the mortgage). Hence, in the event of an insurance claim, the loss is increased by the unamortized portion of the premium.

[1] The concepts of claim termination and nonclaim termination as well as the basic methodology used to construct FHA survivorship tables are presented in "How HUD Constructs a Survivorship Table" which appeared in the May, 1981, issue of the *Mortgage Banker*.

TABLE II.—SURVIVORSHIP AND DECREMENT TABLE AS OF DECEMBER 31, 1981, BASED ON AGGREGATE INSURANCE AND TERMINATION EXPERIENCE FOR HOME MORTGAGES INSURED SINCE 1957

[Section 203, 30 year term, United States]

Policy year	Survivors beginning of policy year	Claim	Terminations during policy year Nonclaim
1	100000.0	482.1	643.9
2	98874.1	1600.3	2127.4
3	95146.4	1456.7	3465.2
4	90224.5	1116.0	4058.1
5	85050.3	824.9	4454.9
6	79770.6	608.6	4818.4
7	74343.5	445.8	4847.6
8	69050.1	303.1	4691.6
9	64055.4	192.1	4290.4
10	59572.9	118.8	3863.9
11	55590.2	69.2	3596.9
12	51924.0	44.1	3293.5
13	48586.4	32.4	2941.1
14	45613.0	22.6	2650.9
15	42939.4	16.3	2386.3
16	40538.2	12.1	2151.3
17	38373.4	9.2	1948.9
18	36415.4	7.1	1773.7
19	34634.6	5.5	1611.4
20	33017.7	4.4	1449.0
21	31564.3	3.5	1293.4
22	30267.4	2.8	1491.8
23	28772.8	2.2	1660.4
24	27110.2	1.8	1809.8
25	25298.5	1.4	1927.1
26	23370.0	1.1	1998.7
27	21370.0	.9	2025.8
28	19343.6	.7	2011.4
29	17331.4	.5	2510.3
30	14820.7	.4	14820.2

Ultimate Claim Termination Rate: 7.39 Percent.
Ultimate Non-Claim Termination Rate: 92.61 Percent.
Estimated Life Expectancy: 14.33 Years.

The following Table III illustrates the amount of unearned premium refunds to be paid to those who prepay their FHA-insured mortgages at the end of each policy year. Slightly higher refunds are due those who prepay in the middle of the policy year. The calculations are made under the assumption that the annual contract interest rate for each term is 12 percent.

TABLE III.—END OF POLICY YEAR UNEARNED PREMIUM REFUND PER HUNDRED DOLLARS OF INSURED MORTGAGE AMOUNT (INCLUDING AMOUNT OF MIP FINANCED)

Policy year	Term of loan in years			
	15	20	25	30
1	2.18	2.77	3.40	3.43
2	1.89	2.48	3.16	2.97
3	1.51	2.07	2.73	2.39
4	1.17	1.67	2.25	1.89
5	.87	1.32	1.80	1.50
6	.63	1.02	1.41	1.19
7	.44	.79	1.10	.95
8	.30	.60	.85	.77
9	.20	.46	.67	.64
10	.13	.35	.53	.54
11	.07	.27	.43	.47
12	.04	.20	.35	.41
13	.01	.15	.29	.36
14		.10	.23	.32

TABLE III.—END OF POLICY YEAR UNEARNED PREMIUM REFUND PER HUNDRED DOLLARS OF INSURED MORTGAGE AMOUNT (INCLUDING AMOUNT OF MIP FINANCED)—Continued

Policy year	Term of loan in years			
	15	20	25	30
15		.07	19	.28
16		.04	15	.24
17		.02	12	.21
18		.01	.09	18
19			.06	15
20			.04	13
21			.02	10
22			.01	.08
23			.00	.06
24				.04
25				.03
26				.02
27				.01
28				.00
29				
30				

Dated: January 10, 1985.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 85-1593 Filed 1-18-85; 8:45 am]

BILLING CODE 4210-27-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. N-85-1491; FR-2072]

User Fee Schedule for the Technical Suitability of Products Program; Amendment for Revisions in Truss Connector Bulletins

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of revision to user fee schedule.

SUMMARY: This Notice revises the user fee schedule for the Technical Suitability of Products Program which was published on August 9, 1984, in 49 FR 31857 (1984). This revision to the user fee schedule includes the fee for revisions to Truss Connector Bulletins (TCBs).

EFFECTIVE DATE: January 22, 1985.

FOR FURTHER INFORMATION CONTACT: Donald R. Fairman, Office of Manufactured Housing and Construction Standards, Department of Housing and Urban Development, Room 9156, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone number (202) 755-5718. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department promulgated a final rule (24 CFR 200.934) in 49 FR 31854 (August 9, 1984) which established a system of fees to be charged manufacturers of products and materials to be used in structures approved for mortgages or loans insured under the National Housing Act. Under that rule, manufacturers who seek HUD acceptance of their products and materials under the Technical Suitability of Products Program (section 521 of the National Housing Act, 12 U.S.C. 1735e) are to be charged fees for initial applications, renewals, and revisions with respect to documents of technical suitability. The final rule, at 24 CFR 200.934(c), provides that the Department may "amend the fee schedule by publication of a Notice in the **Federal Register.**"

Truss Connector Bulletins (TCBs) are one of the documents of technical suitability. The initial fee schedule, published at 49 FR 31857, did not include a fee for revisions to TCBs. By this Notice, the Department is establishing a fee of $300.00 for revisions to TCBs. The complete fee schedule, as revised:

(i) Initial Applications:

Structural Engineering Bulletins (SEB), $1,500.00

Mechanical Engineering Bulletins (MEB), $1,500.00

Truss Connector Bulletins (TCB), $500.00

Materials Releases (MR), $1,500.00

Area Letter of Acceptance (ALA), $500.00

Administrator Review for Acceptance (ARA), $500.00

(ii) Revisions:

Structural Engineering Bulletins (SEB), $1,000.00

Mechanical Engineering Bulletins (MEB), $1,000.00

Truss Connector Bulletins (TCB), $300.00

Materials Releases (MR), $300.00

Area Letter of Acceptance (ALA), $250.00

(iii) Basic renewal fee without revision (assessed $100.00 every three years).

Authority: Sec. 7(d) and (j), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d) and (j) and 24 CFR 200.934(c).

Dated: January 10, 1985.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 85-1591 Filed 1-18-85; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 885

[Docket No. R-85-1218, FR-2056]

Loans for Housing for the Elderly or Handicapped; Fiscal Year 1985 Interest Rate

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule amends 24 CFR Part 885 to establish the interest rate for direct loans made during Fiscal Year 1985 for housing for the elderly or handicapped. This rule implements provisions of the Housing and Urban Development-Independent Agencies Appropriations Act, 1985 (Pub. L. 98-371). That Act provides that the interest rate for section 202 loans made during Fiscal Year 1985 may not exceed 9.25 percent per annum (including an allowance for administrative costs and probable losses).

EFFECTIVE DATE: March 4, 1985.

FOR FURTHER INFORMATION CONTACT: Robert W. Wilden, Director, Assisted Elderly and Handicapped Housing Division, 451 Seventh Street, SW., Room 6136, Washington, D.C. 20410. Telephone (202) 426-8730. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 202(a)(3) of the Housing Act of 1959 provides that a loan for housing for the elderly or handicapped shall bear interest at a rate, established by the Secretary of Housing and Urban Development, "which is not more than a rate determined by the Secretary of the Treasury taking into consideration the average interest rate on all interest bearing obligations of the United States then forming a part of the public debt, computed at the end of the fiscal year next preceding the date on which the loan is made, adjusted to the nearest one-eighth of one per centum, plus an allowance adequate in the judgment of the Secretary [of HUD] to cover administative costs and probable losses under the program." HUD regulations at 24 CFR § 885.410(g) incorporate this statutory provision and include a determination by the Secretary that the allowance for administrative costs and probable losses is one-fourth of one percent (.25%) per year for both the contruction and permanent loan periods.

On July 18, 1984, the President approved the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1985 (Pub. L. 98–371). That Act provides, "* * * notwithstanding section 202(a)(3) of the Housing Act of 1959, loans made during fiscal year 1985 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program." HUD anticipates that the application of the § 885.410(g) criteria would yield an interest rate substantially in excess of 9.25 percent per annum. Accordingly, this rule amends § 885.410(g) to set the interest rate for section 202 loans made during Fiscal Year 1985 at the 9.25 percent ceiling. This amendment will maintain the 9.25 percent rate set for section 202 loans made during Fiscal Years 1981–1984. (*See* 47 FR 9207, March 4, 1982; 48 FR 5721, February 8, 1983; and 48 FR 56748 December 23, 1983).

The Department regards the underlying statutory change, continuing in effect the past years' 9.25 percent rate, as mandatory and self-executing, and is closing new loans at the 9.25 percent rate now. Accordingly, the Secretary has determined that notice and public procedure on this rule would be unnecessary and that good cause exists for publishing this rule as a final rule.

Section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)) provides for a delay in the effectiveness of HUD regulations for a period of thirty calendar days of continuous session of Congress after publication. Accordingly, the effective date of this rule will be announced by subsequent notice in the **Federal Register.** However, in light of our determination that the statute is mandatory and self-executing, the effective date of the rule amendment will merely formalize the change in the Code of Federal Regulations.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under 24 CFR 50.20(l), an environmental finding is not necessary because statutorily required establishment of interest rates is among matters categorically excluded from the environmental requirements of 24 CFR Part 50.

This rule was not listed in Department's October 22, 1984 Semiannual Agenda of Regulations (49 FR 41684) published under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program title and number is: Housing for the Elderly and Handicapped, 14.157.

Under section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because it provides, in accordance with statutory authority, for the continuation of a uniform interest rate for all section 202 project developments, regardless of their size.

List of Subjects in 24 CFR Part 885

Aged, grant programs, Housing and community development, Handicapped, loan programs, Housing and community development, Low and moderate income housing.

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Accordingly, in 24 CFR Part 885, the introductory paragraph of § 885.410(g) is revised to read as follows:

§ 885.410 Amount and terms of financing.

* * * * *

(g) Except for loans made during Fiscal Years 1982, 1983, 1984 and 1985, which shall bear an interest rate of nine and one-fourth percent (9.25%) per annum, loans shall bear interest at a rate established by the Secretary by adding:

* * * * *

Authority: Sec. 202, Housing Act of 1959, 12 U.S.C. 1701q; sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 10, 1985.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 85–1590 Filed 01–18–85; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–192; Ref. Notice No. 405,443]

Madera Viticultural Area; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule adopting the Madera viticultural area which appeared in the **Federal Register** on December 7, 1984. This document corrects the description of the viticultural area.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, FAA, Wine and Beer Branch. Telephone: (202) 566–7626.

SUPPLEMENTARY INFORMATION: In FR Doc. 84–32007 appearing on page 47831 in the issue of Friday, December 7, 1984, make the following correction:

§ 9.92 [Corrected]

In § 9.92, on page 47833, third column, the first sentence of the introductory text of paragraph (c) should read: "The Madera viticultural area is located in Madera and Fresno Counties, California."

Signed: January 11, 1985.

Stephen E. Higgins,

Director.

[FR Doc. 85–1606 Filed 1–18–85; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Approval of Permanent Program Amendment From the State of Maryland Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a program amendment submitted by Maryland as an amendment to the State's permanent regulatory program (hereinafter referred to as the Maryland program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment establishes a program for blaster

training, examination and certification and revises the State's performance standards for the use of explosives.

Maryland submitted the proposed program amendment on May 28, 1984. Additional information was submitted on June 13, 1984. OSM published a notice in the **Federal Register** on July 16, 1984, announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (49 FR 28741). The public comment period ended August 15, 1984. On October 5, 1984, the State submitted revised proposed regulations and other information to address certain issues raised during the review of the May 28, 1984, proposed amendment. These issues were presented to the State in a letter from OSM dated September 6, 1984 (Administrative Record No. MD 274). A public comment period for this additional information was announced in the **Federal Register** on November 1, 1984 (49 FR 43974). The comment period for this additional information ended on November 16, 1984.

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Director has determined that the amendment meets the requirements of SMCRA and the Federal regulations. The Federal rules at 30 CFR Part 920 codifying decisions concerning the Maryland program are being amended to implement this action.

This rule is being made effective immediately in order to expedite the State program amendment process and encourage States to conform their programs to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: January 22, 1985.

FOR FURTHER INFORMATION CONTACT: Danny Ellis, Acting Field Office Director, Charleston Field Office, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301; Telephone (304) 347–7158.

SUPPLEMENTARY INFORMATION:

I. Background

The Maryland program was conditionally approved by the Secretary of the Interior on December 1, 1980 (45 FR 79430–79451). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Maryland program can be found in the December 1, 1980, **Federal Register**. On February 18, 1982, following submission of program amendments to satisfy the conditions of program approval, the Maryland program was fully approved by the Secretary (47 FR 7214–7217).

II. Submission of Revisions

On May 28, 1984, Maryland submitted a statute and regulations and other material which would establish requirements for the training, examination and certification of blasters working in surface coal mining operations and revise the State's performance standards for the use of explosives. Additional information was submitted on June 13, 1984. These materials were later supplemented by additional information submitted by the State on October 5, 1984. The modifications include regulations governing the use of explosives and the standards for certification of blasters and a proposed training outline. In addition, information on previous training requirements is included.

At the time of the Secretary's approval of the Maryland program, OSM had not yet promulgated Federal rules governing the training and certification of blasters. Therefore, the State was not required to include such requirements in its program. However, in the notice announcing conditional approval of the Maryland program, the Secretary specified that Maryland would be required to adopt such provisions following promulgation of the Federal standards (45 FR 79444, December 1, 1980).

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training, examination and certification of blasters at 30 CFR Chapter M (48 FR 9486). The Federal rules require each State to design and implement its own blaster certification program. Under the Federal rules, each State must develop the method of training, examining, and certifying blasters which best meets local needs within the Federal regulatory framework. The Federal rules require training, field experience, and a written examination, and specify certain other requirements.

The Federal rules at 30 CFR 850.12 require the State regulatory authority to develop a program and submit it to OSM as a proposed program amendment within 12 months after the publication date of the Federal rules. The Federal rules at 30 CFR 816.61(c) further provide that no later than 12 months after the State's blaster certification program has been approved by OSM, all blasting operations in the State shall be conducted under the direction of a certified blaster.

On March 8, 1983, OSM published revised rules governing the use of explosives. The rules revised the requirements relating to blasting standards, preblasting surveys, airblast, ground vibration and flyrock, monitoring of blasts and blast design.

On July 16, 1984, OSM published a notice in the **Federal Register** announcing receipt of the Maryland amendment and inviting public comment on whether the proposed amendment was no less effective than the Federal regulations (49 FR 28741). The public comment period ended August 15, 1984. An opportunity to request a public hearing was provided, but none was requested.

On October 5, 1984, the State submitted revised proposed regulations and other information to address certain issues raised during the review of the proposed amendment. These issues were presented to the State in a letter from OSM dated September 6, 1984 (Administrative Record No. MD 274).

A public comment period for this additional information was announced in the **Federal Register** on November 1, 1984 (49 FR 43974). The comment period for this additional information ended on November 16, 1984.

I. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment establishing a program for blaster certification submitted by Maryland on May 28, 1984, as modified on October 5, 1984, meets the requirements of SMCRA and 30 CFR Chapter VII, as discussed below. The program amendment revising the State regulations for the use of explosives meets the requirements of SMCRA and 30 CFR Chapter VII with one exception, as discussed below.

A. Blaster Training, Examination and Certification

1. General

The Maryland submission provides that the Maryland Department of Natural Resources, in accordance with Maryland statute NR 7–520 will be responsible for the training, examination and certification of blasters within the State.

Since 1979, all blasters within the State of Maryland have been required to obtain a certification from the Maryland Bureau of Mines (BOM). Each blaster requesting certification attended a training course and was required to pass a test provided by the BOM. The

training covered many of the subject areas required by 30 CFR Part 850.

The State has proposed to use this previous training to satisfy some of the training requirements of the Federal regulations. It was proposed to provide a refresher training course to all currently certified blasters which would briefly address the subjects covered in the previous training and supplement the previous training with the other topics required by 30 CFR Part 850. All applicants for certification must pass a test including all of the required topics following the refresher training.

The Director has reviewed this method of providing training to those persons who have previously received training and certification and found it to be no less effective than the Federal requirements, provided that the State supplements it with refresher training. In addition, the refresher training must include complete coverage of the topics listed in 30 CFR Part 850 which were not previously addressed. These additional topics include the following requirements of 30 CFR Part 850:

a. 850.13(b)(1)(ii).
b. 850.13(b)(2)(i).
c. 850.13(b)(6).
d. 850.13(b)(10).

2. Code of Maryland Administrative Regulations (COMAR) Title 08, Subtitle 13, Chapter 09, Sections 02 and 25, Submitted October 5, 1984

a. Section .25A.(3) of the October 5 proposed regulations provides that no later than one year from the effective date of the regulations, all blasting operations shall be conducted by or under the direction of at least one person who has been certified by the BOM in accordance with Section .25.H. The Director finds that this provision is no less effective than the Federal regulations at 30 CFR Part 850.

b. Section .25H.(2)(a)(iii) of the October 5 proposed regulations requires that persons seeking to become certified blasters must complete such training as required by the regulations.

Section .25H.(2)(b) specifies the topics to be included in the required training. The Director finds that the Maryland regulation includes all the topics required by 30 CFR 850.13(b) and therefore is no less effective than the Federal rule.

c. Sections .25H. (2), (3) and (4) of the October 5 proposed regulations set forth the requirements necessary for a person to become a certified blaster. The regulations require that a person must: (1) Be at least 21 years of age; (2) have received at least one year of qualifying experience under the direction of a certified blaster; and (3) received training as required by the State regulations.

Applicants will be examined by the Maryland Bureau of Mines as set forth in Section .25H.(3). The Director finds that these provisions are no less effective than 30 CFR 850.14 which sets forth the minimum requirements for examination of candidates for blaster certification.

d. Sections .25H. (4) and (6) of the October 5 proposed regulations set forth the requirements for certification and recertification. Section .25H.(4) provides that in order for a candidate to be certified, he must successfully pass the examination required by Section .25H.(3) and be found to be competent and have the necessary experience. Section .25H.(6) provides that a blaster must be recertified every three years by submitting validated proof that he has had at least one year of active blasting experience in the previous three years. To be recertified, the blaster must be currently certified. Reexamination of a certified blaster is required in order to be recertified two consecutive times. The Director finds that these provisions are no less effective than the Federal rules at 30 CFR 850.13(a) and 850.13(c).

e. Section .25H.(8)(a) of the October 5 proposed regulations specifies that a blaster shall, upon request by an authorized representative of the Maryland Bureau of Mines or OSM, exhibit his or her certificate. Section .25H.(7) requires that certified blasters shall take every reasonable precaution to protect their certificates from loss, theft, or unauthorized duplication. Any such occurrence shall be reported immediately to the Bureau of Mines. Section .25H.(8)(b) specifies that a blaster's certification shall not be transferrred or assigned. Section .25H.(8)(c) specifies that blasters shall not delegate their authority or responsibility to any individual who is not a certified blaster. The Director finds these provisions to be no less effective than 30 CFR 850.15(d) and 850.15(e), which specify conditions of certification and requirements for the protection of certification.

f. Section .25H.(5) sets forth the provisions concerning suspension and revocation of a blaster's certification. The rule provides that upon written notice and opportunity for a hearing, the Bureau of Mines may, and upon a finding of willful conduct, shall suspend or revoke a blaster's certification for any of the following reasons: (1) Noncompliance with any order of the Bureau; (2) unlawful use in the workplace of, or current addiction to, alcohol, narcotics or other dangerous drugs; (3) violation of any provisions of State or Federal explosives laws or regulations; (4) providing false information or a misrepresentation to obtain certification; or (5) refusal to exhibit his or her certificate to any authorized representative. The rule provides that if advance notice and a hearing opportunity cannot be provided, an opportunity for a hearing shall be provided as soon as practical following suspension, revocation or other adverse action. The rule further provides that upon notice of a suspension or revocation the blaster shall immediately surrender the suspended or revoked certificate to the Bureau. The Director finds these provisions to be no less effective than 30 CFR 850.15(b).

g. Section .25A.(7) requires that the blasting crew or others who assist in the use of explosives and are not certified blasters, receive direction and training from the certified blaster in charge of the blasting operation as required by 30 CFR 850.13(a)(2). The Director finds that this provision is no less effective than the Federal requirement.

B. Use of Explosives

1. General

The Maryland submission included proposed revisions to the Maryland regulations governing the use of explosives. These revisions were the subject of public and Federal agency review during the same comment periods as provided for the blaster certification program. As a result of these reviews, a list of deficiencies found in the proposed revisions was provided to the State on September 6, 1984 (Administrative Record No. MD 274). The listing included areas of the proposed regulations which were found not to be no less effective than the Federal requirements (comments 1, 4 and 6) as well as apparent typographical and editorial errors (comments 2, 3, 6 and 7). All of the typographical and editorial errors were corrected by submission of the October 5 proposed regulations. The substantive comments presented in the September 6 listing are discussed below.

2. Code of Maryland Administrative Regulations (COMAR) Title 08, Subtitle 13, Chapter 09, Sections 02 and 25, Submitted October 5, 1984

a. Section .020(6)(g) of the October 5 proposed regulations provides for the minimum information to be included in the blasting plan as required by 30 CFR 780.13(a). The Director finds that this provision is no less effective than the Federal rule.

b. Section .25C.(2) of the October 5 proposed regulations provides that copies of the blast schedule shall be distributed to each resident or owner of dwellings or other structures within ½ mile of the permit area. The notice shall also advise how to request a pre-blasting survey. However, the requirement fails to specify that the notice shall be distributed at least 30 days prior to blasting. The Director finds that this provision is less effective than 30 CFR 816.62(a) and is requiring a program amendment to specify that the notice advising how to request a pre-blast survey shall be provided at least 30 days prior to blasting.

c. Section .25F.(8) of the October 5 proposed regulations provides that flyrock may not be cast more than half the distance to the nearest dwelling or other occupied structure. The Director finds that this provision is no less effective than 30 CFR 816.67(c).

IV. Public Comments

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), of those Federal agencies invited to comment, acknowledgments were received from the Department of the Army, Office of the Chief of Engineers; the Department of the Interior, National Park Service; the Department of Labor, Mine Safety and Health Administration; the Advisory Council on Historic Preservation; and the Environmental Protection Agency. The comments were limited and did not identify and deficiencies in the proposed program amendment. The Advisory Council on Historic Preservation stated the likelihood exists that implementation of the State program will result in adverse effects upon properties included in or eligible for the National Register of Historic Places. However, no specific comments on the effects were included in their comments. Therefore, the Director is unable to respond to their concerns in relation to the program amendment currently being considered. No additional public comments were received.

The disclosure of Federal agency comments is made pursuant to Section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Director's Decision

The Director, based on the above findings, is approving the May 28, 1984, amendment, as modified on October 5, 1984, to the Maryland program. As indicated above, there is one provision of the State's proposed regulations governing the use of explosives which is less effective than the Federal regulations and requires revision. This provision is discussed in Finding B.2.b. above. This provision must be corrected by the State and submitted as a program amendment by March 25, 1985. The Director is amending Part 920 of 30 CFR Chapter VII to implement this decision.

VI. Procedural Requirements

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 920

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Brent W. Blauch,

Acting Director, Office of Surface Mining.

January 15, 1985.

PART 920—MARYLAND

1. 30 CFR 920.15 is amended by adding paragraph (b) as follows:

§ 920.15 Approval of regulatory program amendments.

* * * * *

(b) The following amendment submitted to OSM on May 28, 1984, as modified on October 5, 1984, is approved effective January 22, 1985. Maryland's blaster certification program and revisions to the State regulations governing the use of explosives, as contained in the proposed Code of Maryland Administrative Regulations, Title 08. Subtitle 13 Chapter 09 Sections 02 and 25 submitted to OSM on October 5, 1984, and all other items as submitted by Maryland on May 28, 1984, and modified on October 5, 1984. This approval is contingent on promulgation of the above referenced proposed regulations in the identical form reviewed by OSM and the public.

2. 30 CFR Part 920 is amended by adding a new § 920.16 as follows:

§920.16 Required Program Amendments.

Pursuant to 30 CFR 732.17, Maryland is required to submit the following program amendment by March 25, 1985.

(a) Amend its program to require that at least 30 days before initiation of blasting, the operator shall notify in writing, all residents or owners of dwellings or other structures located within ½ mile of the permit area how to request a pre-blasting survey.

(b) [Reserved]

(Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*))

[FR Doc. 85–1493 Filed 1–18–85; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 84–32]

Drawbridge Operation Regulations; Raccoon Creek, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: At The request of Consolidated Rail Corporation (CONRAIL), Coast Guard is changing the regulations governing the Raccoon Creek railroad bridge at Bridgeport, New Jersey. This change will require the draw to open on signal from March 1 through November 30 from 7 a.m. to 11 p.m., and will allow the draw to open on four hours' notice at all other times. This change is being made because of minimal bridge openings during the periods notice will be required. This action will continue to relieve the bridge owner of the burden of having a person constantly available to open the draw and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on February 21, 1985.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212)668–7994.

SUPPLEMENTARY INFORMATION: On August 23, 1984, the Coast Guard published proposed rules (49 FR 33458) concerning this amendment. The Commander, Third Coast Guard District also published the proposal as a Public Notice dated August 31, 1984. In each notice interested persons were given until October 9, 1984 to submit comments.

On April 24, 1984, the Coast Guard published a final rule (49 FR 17450) that reorganized Coast Guard regulations for drawbridges (Part 117 of Title 33, Code of Federal Regulations) to consolidate common requirements and to organize bridge regulations into a more usable format. This final rule follows the revised numbering and format.

Regulations pertaining to the Route 130 Highway Bridge over Raccoon Creek, published as a Final Rule (48 FR 38632) on August 25, 1983, were included in the Notice of Proposed Rule Making because they were inadvertently omitted in the reorganization (49 FR 17450). These regulations with no substantive change are included in § 117.741(a) of this Final Rule to correct the omission.

Drafting Information

The drafters of these regulations are Ernest J. Feemster, project manager, and Mary Ann Arisman, project attorney.

Discussion of Comments

One letter was received on the proposed rule for this action. It suggested that allowances be made in the regulations for future changes to train schedules. This, however, is not necessary since regulations are routinely changed whenever a clear, documented need arises.

Recreational vessels are basically the only users of the waterway. Since these regulations will provide for openings on signal during normal, recreational boating periods, no inconvenience to the boater is expected. Additionally, openings outside normal boating periods can be obtained simply by providing four hours' notice.

No change is made to the text of the proposed rule in this final rule.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is annecessary. This is because these regulations will respond to the needs of vessels using the waterway. No known adverse impacts will accrue to any person, organization or entity. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In Consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended by revising § 117.741 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.741 Raccoon Creek.

(a) The draw of the Route 130 highway bridge, mile 1.8 at Bridgeport shall open on signal from 7 a.m. to 11 p.m. The draw shall open on signal from 11 p.m. to 7 a.m. if at least four hours' notice is given. The draw shall open at all times as soon as possible for passage of a public vessel of the United States.

(b) The draw of the CONRAIL railroad bridge, mile 2.0 at Bridgeport shall open on signal March 1 through November 30 from 7 a.m. to 11 p.m., and on signal upon four hours' notice at all other times. The draw shall open at all times as soon as possible for passage of a public vessel of the United States.

(33 U.S.C. 499; 49 CFR 1.46(c)(2); 33 CFR 1.05–1(g)(3))

Dated: January 7, 1985.

P.A. Yost,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 85–1617 Filed 1–18–85; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD13 84–12]

Drawbridge Operation Regulations; Duwamish Waterway, WA

AGENCY: Coast Guard, DOT.

ACTION: Temporary deviation from rule.

SUMMARY: The Coast Guard is continuing the temporary regulations published in the Federal Register on October 4, 1984 (49 FR 39157) governing the operation of the highway drawbridge across the Duwamish West Waterway at Southwest Spokane Street and the highway drawbridge across the Duwamish Waterway at First Avenue South, both in Seattle, Washington. This action will allow the bridges to continue operating as they have over the course of the previous temporary regulations while an identical permanent rule change is being processed. Since this action will not change the operation of the bridge as provided by the previous temporary regulations, its impact is expected to be minimal.

EFFECTIVE DATE: This rule becomes effective January 18, 1985, and will terminate on March 18, 1985.

ADDRESSES: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington, 98174. The comments and other materials referenced in this notice will be available for inspection and copying in Room 3564 at this address. Normal office hours are between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch (Telephone: (206) 442–5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to comment on this temporary regulation by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the temporary deviations. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

A proposed rule having identical provisions is being processed concurrent with this temporary regulation. The proposed rule was published in the Federal Register on December 7, 1984 (49 FR 47872). The Commander, Thirteenth Coast Guard District, will evaluate all communications received to both the temporary and proposed regulations and determine a course of final action. Any future temporary regulations or final rulemaking may be changed in light of the comments received.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Commander Judith M. Hammond, project attorney.

Discussion of Temporary Rule

Since 1978 when the northernmost of the two Spokane Street bridges across the Duwamish West Waterway was struck by a vessel and subsequently removed, three hour morning and

evening closed periods have been in effect for the remaining Spokane Street bridge and the First Avenue South bridge. Prior to that time two hour closed periods had been in effect. Extending the two hour closed periods to three hours and eliminating closed period exemptions for vessels of 5,000 tons and over was necessary to accommodate the increase in peak hour vehicular flows caused by the elimination of the four travel lanes of the damaged bridge.

The opening to vehicular traffic of the high level bridge across the Duwamish West Waterway resulted in improvements to vehicular traffic flow in the Spokane Street corridor. In order to take advantage of these improvements for navigation, the Commander, Thirteenth Coast Guard District approved a temporary regulation change which restored the operating regulations to their 1978 pre-accident form. The temporary change was published in the **Federal Register** (49 FR 30071) on July 26, 1984. After evaluating the effects of the change, the District Commander approved a further change which granted closed period exemptions to additional classes of vessels. This further change was published in the **Federal Register** (49 FR 39157) on October 4, 1984. A 60-day continuation of the temporary regulation was approved by the District Commander and published in the **Federal Register** (49 FR 48540) on December 13, 1984.

No comments have been received to the temporary regulations. However, one telephone complaint was received from a motorist, objecting to an opening of the First Avenue South bridge during a morning closed period. By separate action the Coast Guard is proposing a permanent rule change for the Spokane Street and First Avenue South bridges. The proposed permanent rule change will be identical to this current temporary regulation. It is intended that this temporary regulation will be extended and continued through finalization of the permanent rule.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This is based on the improvement to vehicular traffic flow brought about by the new high level bridge between Seattle and West Seattle, and the fact that the high level bridge provides an alternate, uninterrupted route for vehicular traffic during periods when the other bridges across the waterway may be required to open for the passage of vessels. Based on the foregoing, closed period openings of the Southwest Spokane Street and First Avenue South bridges for the authorized classes of vessels should not have a significant effect on vehicular traffic movement. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulations

In consideration of the foregoing, Part 117 of Title 33 Code of Federal Regulations is amended by revising § 117.1041(a)(1) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.1041 Duwamish Waterway.

(a) * * *

(1) The draws of the Southwest Spokane Street bridge, mile 0.3, and the First Avenue South bridge, mile 2.5, need not be opened for the passage of vessels from 6:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, except as follows:

(i) The draws of the Southwest Spokane Street bridge shall open at any time for a vessel of 1,000 gross tons and over, a vessel towing a vessel of 1,000 gross tons and over, and a vessel proceeding to pick up a vessel of 1,000 gross tons and over for towing.

(ii) The draws of the First Avenue South bridge shall open at any time for a vessel of 5,000 gross tons and over, a vessel towing a vessel of 5,000 gross tons and over, and a vessel proceeding to pick up a vessel of 5,000 gross tons and over for towing.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: January 7, 1985.

R.R. Garrett,

Captain, U.S. Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 85-1618 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

New Domestic Mail Manual Regulations To Implement Changes in Rates, Fees, and Classifications

AGENCY: Postal Service.

ACTION: Final rule, with comments invited for consideration in future rulemakings.

SUMMARY: As announced in the **Federal Register** on January 8, 1985 (50 FR 1010), new postal rates, fees, and classifications are scheduled to take effect on February 17, 1985 at 12:01 a.m. Implementing regulations for the rate, fee, and classification changes have been developed and are set forth below. Although they are to take effect on February 17, 1985, comments on these regulations are solicited, and any proposed changes will be considered and acted upon as appropriate. The one omission from these implementing regulations are the new regulations pertaining to the changes in mail forwarding procedures, which will also go into effect on February 17, 1985. Proposed implementing regulations for the forwarding changes have previously been presented separately in the **Federal Register** on January 14, 1985 (50 FR 1870).

EFFECTIVE DATES: February 17, 1985. Comment Date: Written comments on these implementing regulations should be received on or before February 16, 1985.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260-5360. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 419, 600 7th Street SW., Washingon, D.C. The mailing address is 475 L'Enfant Plaza West, SW., Washington, D.C. 20260-5360.

FOR FURTHER INFORMATION CONTACT: Ernest Collins (202) 245-4353.

SUPPLEMENTARY INFORMATION: The new rates approved by the Governors of the Postal Service (50 FR 1010-1023) included new presortation differentials as well as classification changes. Some of these changes require new implementing regulations in the Domestic Mail Manual. The following is a summary of the changes made to the Domestic Mail Manual as a result of the rate, fee, and classification changes,

with the exception of the classification changes affecting mail forwarding.

A. General

There will be changes to the following rates and fees:

1. First-Class Mail (includes Priority Mail and Business Reply Mail) (Sections 310 and 917 and Exhibit 310).
2. Express Mail (Exhibits 212, 213, 214).
3. Second-Class Mail (Sections 411 and 412).
4. Third-Class Mail (Sections 611 and 612 and Exhibit 611).
5. Fourth-Class Mail, including parcel post, bound printed matter, special fourth-class and library rate mail (Section 712 and Exhibit 711).
6. Second-Class Application Fees (Section 412).
7. ZIP Coding Mailing List Fee (Section 945).
8. Stamped Envelopes (Section 141).
9. Correction of Mailing Lists (Section 945).
10. Address Changes for Election Boards and Registration Commissions (Section 945).
11. On-Site Meter Setting (Section 144.35).
12. Special Delivery (Section 915).
13. Registered Mail (Section and Exhibit 911).
14. Certified Mail (Section 912).
15. Insured Mail (Section 913).
16. Return Receipts (Section 932).
17. Special Handling (Section 916).
18. COD (Section 914).
19. Restricted Delivery (Section 933).
20. Certificates of Mailing (Section 931).
21. Money Orders (Section 941).
22. Post Office Box and Caller Service (Sections 951 and 952).
23. Merchandise Return (Section 919).

B. Other Changes

24. There will be an intra SCF per piece rate for addressed pieces which are for delivery outside the county of publication at either the post office of mailing or at other post offices served by the SCF that serves the post office of mailing. Pieces must meet second-class presort requirements to be eligible for second-class rates (Section 468).
25. The transient rate is eliminated. The applicable single piece third- or fourth-class rate must be paid for copies which were subject to the former transient rate (Section 471).
26. Third-Class Mail. All rates will change. For pieces subject to the bulk pound rate, there is also a per piece rate for pieces mailed at the third-class 5-digit or basic presort rates (Exhibit 611).
27. There will be a carrier route rate for fourth-class bulk bound printed matter. Another column will be added to Form 3605 Statement of Mailing—Bulk Zone Rates for carrier route mailings (Sections 763 and 767).
28. Eligibility for bulk parcel post is expanded to including mailings of at least 2,000 pounds of identical weight pieces (Section 722).
29. COD Mail. The maximum to be collected from the addressee will be $500 (formerly $400) (Section 914).
30. Money Orders. The maximum amount for a single money order will be $700 (Section 941).

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service ordinarily invites comment from the public whenever it proposes a new or amended regulation which might have a substantive effect on the public. In this instance, however, the Governor's decision approving the changes reflected in the new or amended regulations set forth below followed ten months of on-the-record hearings at the Postal Rate Commission (Docket No. R84–1, see 39 U.S.C. 3624). Interested parties had a full opportunity to comment on those changes during the course of those hearings.

Accordingly, the Postal Service finds it unnecessary to follow its customary practice of publishing the rules set forth below as proposed rules for comment before they become effective. See 5 U.S.C. 553(d). However, we reiterate that comments are welcomed on the published rules, and that any proposed changes will be considered and acted upon as appropriate.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These change will be published in the Federal Register as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2), 3621, 3625, 3626)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

In view of the considerations discussed above, the Postal Service hereby adopts the following revisions to the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

BILLING CODE 7710-12-M

CHAPTER 1.—Domestic Mail Services

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140 Postage
141 Stamped Envelopes, Postal Cards, Aerogrammes

.11 Envelopes Available at Post Offices

Kind	Size	Denomination	Item No.	Less than 500 each	500	1,000
Regular	6¾	22 cents	631	$0.27	115.90	231.80
	10	22 cents	131	.27	117.40	234.80
Window	6¾	22 cents	632		116.50	233.00
	10	22 cents	132		118.00	236.00
Precanceled	6¾	6.0 cents	666		35.90	71.80
(Regular)	10	6.0 cents	166		37.40	74.80
Precanceled	6¾	6.0 cents	667		36.50	73.00
(Window)	10	6.0 cents	167		38.00	76.00

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141.2 Printed Stamped Envelopes (Special-Request)
141.21 Printed Stamped Envelopes

Kind	Size	Denomination	Item No.	500	1,000
Regular	6¾	22 cents	631	119.40	238.80
	10	22 cents	131	120.90	241.80
Window	6¾	22 cents	632	120.00	240.00
	10	22 cents	132	121.50	243.00
Precanceled	6¾	6.0 cents	666	39.40	78.80
(Regular)	10	6.0 cents	166	40.90	81.80
Precanceled	6¾	6.0 cents	667	40.00	80.00
(Window)	10	6.0 cents	167	41.50	83.00

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144 Postage Meters and Meter Stamps

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144.3 Setting Meters

• • • • •

.35 On-site Meter Setting Program

.351 General

• • • • •

c. Fees for on-site meter settings are:

Private Businesses

$17.00—first meter on scheduled basis
$19.00—first meter on emergency basis
$ 4.00—each additional meter

Meter Company Offices

$10.00—each meter on a scheduled basis

• • • • •

145 Permit Imprints (Mail Without Affixed Postage)

145.2 Permit

.21 Application. A permit to use permit imprints and pay postage in cash at the time of mailing may be obtained by submitting Form 3601, Application to Mail Without Affixing Postage Stamps, with a fee of $50, to the post office where mailings will be made. The postmaster will give the applicant a receipt for the fee on Form 3544. The is no other fee for the use of permit imprints so long as the permit remains active. Note: The applicant must also pay an annual bulk mailing fee if he mails third-class matter at bulk rates. (See 612 and 641.)

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159.53 Matter Sent to Dead Letter and Dead Parcel Branches

[DELETE subsection b., relabel subsections c., d., e., and f. as subsections b., c., d., and e.]

159.554 Dead Mail Fee

[DELETE 159.554, relabel 159.555 as 159.554]

CHAPTER 2.—Express Mail

210 Rates and Fees

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215 Address Correction Fee

The fee for address correction service is 50 cents per notice issued.

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Exhibit 212—Same Day Airport Service Rates

EXPRESS MAIL SA								
POUNDS (up to and including)	ZONES							
	1,2	3	4	5	6	7	8	9
1	$ 8.35	$ 8.35	$ 8.35	$ 8.35	$ 8.35	$ 8.35	$ 8.35	$ 8.35
2	8.35	8.35	8.35	8.35	8.35	8.35	8.35	8.35
3	10.35	10.35	10.35	10.35	10.35	10.35	10.35	10.35
4	10.35	10.35	10.35	10.35	10.35	10.35	10.35	10.35
5	10.35	10.35	10.35	10.35	10.35	10.35	10.35	10.35
6	10.50	10.55	11.00	11.55	12.20	12.75	13.55	14.70
7	11.05	11.15	11.60	12.30	13.00	13.65	14.60	15.95
8	11.60	11.70	12.25	13.00	13.85	14.60	15.65	17.20
9	12.10	12.25	12.85	13.75	14.65	15.50	16.70	18.40
10	12.65	12.80	13.50	14.45	15.50	16.40	17.75	19.65
11	13.20	13.35	14.10	15.20	16.30	17.35	18.80	20.90
12	13.75	13.90	14.75	15.90	17.15	18.25	19.85	22.15
13	14.30	14.45	15.35	16.65	17.95	19.15	20.90	23.40
14	14.85	15.00	16.00	17.35	18.80	20.10	21.95	24.65
15	15.35	15.55	16.60	18.05	19.60	21.00	23.00	25.85
16	15.90	16.10	17.20	18.80	20.45	21.95	24.05	27.10
17	16.45	16.70	17.85	19.50	21.25	22.85	25.10	28.35
18	17.00	17.25	18.45	20.25	22.10	23.75	26.15	29.60
19	17.55	17.80	19.10	20.95	22.90	24.70	27.20	30.85
20	18.10	18.35	19.70	21.70	23.75	25.60	28.25	32.10
21	18.60	18.90	20.35	22.40	24.55	26.50	29.30	33.30
22	19.15	19.45	20.95	23.10	25.40	27.45	30.35	34.55
23	19.70	20.00	21.60	23.85	26.20	28.35	31.40	35.80
24	20.26	20.55	22.20	24.55	27.05	29.25	32.45	37.05
25	20.80	21.10	22.85	25.30	27.85	30.20	33.50	38.30
26	21.35	21.65	23.45	26.00	28.70	31.10	34.55	39.55
27	21.85	22.25	24.10	26.75	29.50	32.05	35.60	40.75
28	22.40	22.80	24.70	27.45	30.35	32.95	36.65	42.00
29	22.95	23.35	25.35	28.20	31.15	33.85	37.70	43.25
30	23.50	23.90	25.95	28.90	32.00	34.80	38.75	44.50
31	24.05	24.45	26.60	29.60	32.80	35.70	39.80	45.75
32	24.60	25.00	27.20	30.35	33.65	36.60	40.85	47.00
33	25.15	25.55	27.85	31.05	34.45	37.55	41.90	48.25
34	25.65	26.10	28.45	31.80	35.30	38.45	42.95	49.45
35	26.20	26.65	29.10	32.50	36.10	39.35	44.00	50.70

L SAME DAY AIRPORT SERVICE

9	POUNDS (up to and including)	ZONES 1,2	3	4	5	6	7	8	9
8.35	36	26.75	27.20	29.70	33.25	36.95	40.30	45.05	51.95
8.35	37	27.30	27.80	30.35	33.95	37.75	41.20	46.10	53.20
10.35	38	27.85	28.35	30.95	34.70	38.60	42.10	47.15	54.45
10.35	39	28.40	28.90	31.60	35.40	39.40	43.05	48.20	55.70
10.35	40	28.90	29.45	32.20	36.10	40.25	43.95	49.25	56.90
14.70	41	29.45	30.00	32.80	36.85	41.05	44.90	50.30	58.15
15.95	42	30.00	30.55	33.45	37.55	41.90	45.80	51.35	59.40
17.20	43	30.55	31.10	34.05	38.30	42.70	46.70	52.40	60.65
18.40	44	31.10	31.65	34.70	39.00	43.55	47.65	53.45	61.90
19.65	45	31.65	32.20	35.30	39.75	44.35	48.55	54.50	63.15
20.90	46	32.15	32.75	35.95	40.45	45.20	49.45	55.55	64.35
22.15	47	32.70	33.35	36.55	41.15	46.00	50.40	56.60	65.60
23.40	48	33.25	33.90	37.20	41.90	46.85	51.30	57.65	66.85
24.65	49	33.80	34.45	37.80	42.60	47.65	52.20	58.70	68.10
25.85	50	34.35	35.00	38.45	43.35	48.50	53.15	59.75	69.35
27.10	51	34.90	35.55	39.05	44.05	49.30	54.05	60.80	70.60
28.35	52	35.40	36.10	39.70	44.80	50.15	55.00	61.85	71.80
29.60	53	35.95	36.65	40.30	45.50	50.95	55.90	62.90	73.05
30.85	54	36.50	37.20	40.95	46.25	51.80	56.80	63.95	74.30
32.10	55	37.05	37.75	41.55	46.95	52.60	57.75	65.00	75.55
33.30	56	37.60	38.30	42.20	47.65	53.45	58.65	66.05	76.80
34.55	57	38.15	38.90	42.80	48.40	54.25	59.55	67.10	78.05
35.80	58	38.70	39.45	43.45	49.10	55.10	60.50	68.15	79.30
37.05	59	39.20	40.00	44.05	49.85	55.90	61.40	69.20	80.50
38.30	60	39.75	40.55	44.70	50.55	56.75	62.30	70.25	81.75
39.55	61	40.30	41.10	45.30	51.30	57.55	63.25	71.30	83.00
40.75	62	40.85	41.65	45.95	52.00	58.40	64.15	72.35	84.25
42.00	63	41.40	42.20	46.55	52.75	59.20	65.05	73.40	85.50
43.25	64	41.95	42.75	47.20	53.45	60.05	66.00	74.45	86.75
44.50	65	42.45	43.30	47.80	54.15	60.85	66.90	75.50	87.95
45.75	66	43.00	43.85	48.40	54.90	61.70	67.85	76.55	89.20
47.00	67	43.55	44.45	49.05	55.60	62.50	68.75	77.60	90.45
48.25	68	44.10	45.00	49.65	56.35	63.35	69.65	78.65	91.70
49.45	69	44.65	45.55	50.30	57.05	64.15	70.60	79.70	92.95
50.70	70	45.20	46.10	50.90	57.80	65.00	71.50	80.75	94.20

Exhibit 213—Custom Designed Service Rates

EXPRESS MAIL CUS								
POUNDS (up to and including)	ZONES							
	1,2	3	4	5	6	7	8	9
1	$10.75	$10.75	$10.75	$10.75	$10.75	$10.75	$10.75	$10.75
2	10.75	10.75	10.75	10.75	10.75	10.75	10.75	10.75
3	12.85	12.85	12.85	12.85	12.85	12.85	12.85	12.85
4	12.85	12.85	12.85	12.85	12.85	12.85	12.85	12.85
5	12.85	12.85	12.85	12.85	12.85	12.85	12.85	12.85
6	12.90	13.65	14.30	14.85	15.45	16.05	16.80	17.95
7	12.95	14.30	15.00	15.70	16.40	17.05	18.00	19.35
8	13.00	14.95	15.75	16.50	17.35	18.10	19.15	20.70
9	13.05	15.55	16.50	17.35	18.30	19.15	20.30	22.05
10	13.15	16.20	17.25	18.20	19.25	20.15	21.50	23.40
11	13.45	16.85	18.00	19.05	20.20	21.20	22.65	24.75
12	13.80	17.50	18.75	19.90	21.10	22.25	23.80	26.15
13	14.10	18.15	19.50	20.70	22.05	23.30	25.00	27.50
14	14.45	18.75	20.20	21.55	23.00	24.30	26.15	28.85
15	14.80	19.40	20.95	22.40	23.95	25.35	27.35	30.20
16	15.10	20.05	21.70	23.25	24.90	26.40	28.50	31.55
17	15.45	20.70	22.45	24.05	25.85	27.40	29.65	32.90
18	15.80	21.30	23.20	24.90	26.80	28.45	30.85	34.30
19	16.10	21.95	23.95	25.75	27.70	29.50	32.00	35.65
20	16.45	22.60	24.70	26.60	28.65	30.50	33.15	37.00
21	16.75	23.25	25.40	27.40	29.60	31.55	34.35	38.35
22	17.10	23.90	26.15	28.25	30.55	32.60	35.50	39.70
23	17.45	24.50	26.90	29.10	31.50	33.65	36.65	41.10
24	17.75	25.15	27.65	29.95	32.45	34.65	37.85	42.45
25	18.10	25.80	28.40	30.75	33.35	35.70	39.00	43.80
26	18.45	26.45	29.15	31.60	34.30	36.75	40.15	45.15
27	18.75	27.05	29.90	32.45	35.25	37.75	41.35	46.50
28	19.10	27.70	30.60	33.30	36.20	38.80	42.50	47.85
29	19.40	28.35	31.35	34.10	37.15	39.85	43.65	49.25
30	19.75	29.00	32.10	34.95	38.10	40.85	44.85	50.60
31	20.10	29.65	32.85	35.80	39.00	41.90	46.00	51.95
32	20.40	30.25	33.60	36.65	39.95	42.95	47.15	53.30
33	20.75	30.90	34.35	37.45	40.90	44.00	48.35	54.65
34	21.05	31.55	35.10	38.30	41.85	45.00	49.50	56.05
35	21.40	32.20	35.85	39.15	42.80	46.05	50.65	57.40

CUSTOM DESIGNED SERVICE

	POUNDS (up to and including)	ZONES							
		1,2	3	4	5	6	7	8	9
75	36	21.75	32.80	36.55	40.00	43.75	47.10	51.85	58.75
75	37	22.05	33.45	37.30	40.85	44.65	48.10	53.00	60.10
85	38	22.40	34.10	38.05	41.65	45.60	49.15	54.15	61.45
85	39	22.75	34.75	38.80	42.50	46.55	50.20	55.35	62.80
85	40	23.05	35.40	39.55	43.35	47.50	51.20	56.50	64.20
95	41	23.40	36.00	40.30	44.20	48.45	52.25	57.65	65.55
35	42	23.70	36.65	41.05	45.00	49.40	53.30	58.85	66.90
70	43	24.05	37.30	41.75	45.85	50.35	54.35	60.00	68.25
05	44	24.40	37.95	42.50	46.70	51.25	55.35	61.15	69.60
40	45	24.70	38.60	43.25	47.55	52.20	56.40	62.35	71.00
75	46	25.05	39.20	44.00	48.35	53.15	57.45	63.50	72.35
15	47	25.40	39.85	44.75	49.20	54.10	58.45	64.65	73.70
50	48	25.70	40.50	45.50	50.05	55.05	59.50	65.85	75.05
85	49	26.05	41.15	46.25	50.90	56.00	60.55	67.00	76.40
20	50	26.35	41.75	46.95	51.70	56.90	61.55	68.15	77.75
55	51	26.70	42.40	47.70	52.55	57.85	62.60	69.35	79.15
90	52	27.05	43.05	48.45	53.40	58.80	63.65	70.50	80.50
30	53	27.35	43.70	49.20	54.25	59.75	64.70	71.65	81.85
65	54	27.70	44.35	49.95	55.05	60.70	65.70	72.85	83.20
00	55	28.05	44.95	50.70	55.90	61.65	66.75	74.00	84.55
35	56	28.35	45.60	51.45	56.75	62.55	67.80	75.15	85.90
70	57	28.70	46.25	52.15	57.60	63.50	68.80	76.35	87.30
10	58	29.00	46.90	52.90	58.40	64.45	69.85	77.50	88.65
45	59	29.35	47.50	53.65	59.25	65.40	70.90	78.65	90.00
80	60	29.70	48.15	54.40	60.10	66.35	71.90	79.85	91.35
15	61	30.00	48.80	55.15	60.95	67.30	72.95	81.00	92.70
50	62	30.35	49.45	55.90	61.80	68.20	74.00	82.15	94.10
85	63	30.65	50.10	56.65	62.60	69.15	75.05	83.35	95.45
25	64	31.00	50.70	57.35	63.45	70.10	76.05	84.50	96.80
60	65	31.35	51.35	58.10	64.30	71.05	77.10	85.70	98.15
95	66	31.65	52.00	58.85	65.15	72.00	78.15	86.85	99.50
30	67	32.00	52.65	59.60	65.95	72.95	79.15	88.00	100.85
65	68	32.35	53.25	60.35	66.80	73.90	80.20	89.20	102.25
05	69	32.65	53.90	61.10	67.65	74.80	81.25	90.35	103.60
40	70	33.00	54.55	61.85	68.50	75.75	82.25	91.50	104.95

EXPRESS MAIL N
POST OFFICE

POUNDS (up to and including)	ZONES							
	1,2	3	4	5	6	7	8	9
1	$10.75	$10.75	$10.75	$10.75	$10.75	$10.75	$10.75	$10.75
2	10.75	10.75	10.75	10.75	10.75	10.75	10.75	10.75
3	12.85	12.85	12.85	12.85	12.85	12.85	12.85	12.85
4	12.85	12.85	12.85	12.85	12.85	12.85	12.85	12.85
5	12.85	12.85	12.85	12.85	12.85	12.85	12.85	12.85
6	12.90	13.65	14.30	14.85	15.45	16.05	16.80	17.95
7	12.95	14.30	15.00	15.70	16.40	17.05	18.00	19.35
8	13.00	14.95	15.75	16.50	17.35	18.10	19.15	20.70
9	13.05	15.55	16.50	17.35	18.30	19.15	20.30	22.05
10	13.15	16.20	17.25	18.20	19.25	20.15	21.50	23.40
11	13.45	16.85	18.00	19.05	20.20	21.20	22.65	24.75
12	13.80	17.50	18.75	19.90	21.10	22.25	23.80	26.15
13	14.10	18.15	19.50	20.70	22.05	23.30	25.00	27.50
14	14.45	18.75	20.20	21.55	23.00	24.30	26.15	28.85
15	14.80	19.40	20.95	22.40	23.95	25.35	27.35	30.20
16	15.10	20.05	21.70	23.25	24.90	26.40	28.50	31.55
17	15.45	20.70	22.45	24.05	25.85	27.40	29.65	32.90
18	15.80	21.30	23.20	24.90	26.80	28.45	30.85	34.30
19	16.10	21.95	23.95	25.75	27.70	29.50	32.00	35.65
20	16.45	22.60	24.70	26.60	28.65	30.50	33.15	37.00
21	16.75	23.25	25.40	27.40	29.60	31.55	34.35	38.35
22	17.10	23.90	26.15	28.25	30.55	32.60	35.50	39.70
23	17.45	24.50	26.90	29.10	31.50	33.65	36.65	41.10
24	17.75	25.15	27.65	29.95	32.45	34.65	37.85	42.45
25	18.10	25.80	28.40	30.75	33.35	35.70	39.00	43.80
26	18.45	26.45	29.15	31.60	34.30	36.75	40.15	45.15
27	18.75	27.05	29.90	32.45	35.25	37.75	41.35	46.50
28	19.10	27.70	30.60	33.30	36.20	38.80	42.50	47.85
29	19.40	28.35	31.35	34.10	37.15	39.85	43.65	49.25
30	19.75	29.00	32.10	34.95	38.10	40.85	44.85	50.60
31	20.10	29.65	32.85	35.80	39.00	41.90	46.00	51.95
32	20.40	30.25	33.60	36.65	39.95	42.95	47.15	53.30
33	20.75	30.90	34.35	37.45	40.90	44.00	48.35	54.65
34	21.05	31.55	35.10	38.30	41.85	45.00	49.50	56.05
35	21.40	32.20	35.85	39.15	42.80	46.05	50.65	57.40

Exhibit 214a—Next Day Service-Post Office to Addressee Rates

AIL NEXT DAY SERVICE
FICE TO ADDRESSEE

POUNDS (up to and including)	ZONES							
	1,2	3	4	5	6	7	8	9
36	21.75	32.80	36.55	40.00	43.75	47.10	51.85	58.75
37	22.05	33.45	37.30	40.85	44.65	48.10	53.00	60.10
38	22.40	34.10	38.05	41.65	45.60	49.15	54.15	61.45
39	22.75	34.75	38.80	42.50	46.55	50.20	55.35	62.80
40	23.05	35.40	39.55	43.35	47.50	51.20	56.50	64.20
41	23.40	36.00	40.30	44.20	48.45	52.25	57.65	65.55
42	23.70	36.65	41.05	45.00	49.40	53.30	58.85	66.90
43	24.05	37.30	41.75	45.85	50.35	54.35	60.00	68.25
44	24.40	37.95	42.50	46.70	51.25	55.35	61.15	69.60
45	24.70	38.60	43.25	47.55	52.20	56.40	62.35	71.00
46	25.05	39.20	44.00	48.35	53.15	57.45	63.50	72.35
47	25.40	39.85	44.75	49.20	54.10	58.45	64.65	73.70
48	25.70	40.50	45.50	50.05	55.05	59.50	65.85	75.05
49	26.05	41.15	46.25	50.90	56.00	60.55	67.00	76.40
50	26.35	41.75	46.95	51.70	56.90	61.55	68.15	77.75
51	26.70	42.40	47.70	52.55	57.85	62.60	69.35	79.15
52	27.05	43.05	48.45	53.40	58.80	63.65	70.50	80.50
53	27.35	43.70	49.20	54.25	59.75	64.70	71.65	81.85
54	27.70	44.35	49.95	55.05	60.70	65.70	72.85	83.20
55	28.05	44.95	50.70	55.90	61.65	66.75	74.00	84.55
56	28.35	45.60	51.45	56.75	62.55	67.80	75.15	85.90
57	28.70	46.25	52.15	57.60	63.50	68.80	76.35	87.30
58	29.00	46.90	52.90	58.40	64.45	69.85	77.50	88.65
59	29.35	47.50	53.65	59.25	65.40	70.90	78.65	90.00
60	29.70	48.15	54.40	60.10	66.35	71.90	79.85	91.35
61	30.00	48.80	55.15	60.95	67.30	72.95	81.00	92.70
62	30.35	49.45	55.90	61.80	68.20	74.00	82.15	94.10
63	30.65	50.10	56.65	62.60	69.15	75.05	83.35	95.45
64	31.00	50.70	57.35	63.45	70.10	76.05	84.50	96.80
65	31.35	51.35	58.10	64.30	71.05	77.10	85.70	98.15
66	31.65	52.00	58.85	65.15	72.00	78.15	86.85	99.50
67	32.00	52.65	59.60	65.95	72.95	79.15	88.00	100.85
68	32.35	53.25	60.35	66.80	73.90	80.20	89.20	102.25
69	32.65	53.90	61.10	67.65	74.80	81.25	90.35	103.60
70	33.00	54.55	61.85	68.50	75.75	82.25	91.50	104.95

Exhibit 214b–Next Day Service - Post Office to Post Office Rates

EXPRESS MAIL
POST OFFIC

POUNDS (up to and including)	ZONES							
	1,2	3	4	5	6	7	8	9
1	$ 8.60	$ 8.60	$ 8.60	$ 8.60	$ 8.60	$ 8.60	$ 8.60	$ 8.60
2	8.60	8.60	8.60	8.60	8.60	8.60	8.60	8.60
3	10.70	10.70	10.70	10.70	10.70	10.70	10.70	10.70
4	10.70	10.70	10.70	10.70	10.70	10.70	10.70	10.70
5	10.70	10.70	10.70	10.70	10.70	10.70	10.70	10.70
6	10.75	11.50	12.15	12.70	13.30	13.90	14.65	15.80
7	10.80	12.15	12.85	13.55	14.25	14.90	15.85	17.20
8	10.85	12.80	13.60	14.35	15.20	15.95	17.00	18.55
9	10.90	13.40	14.35	15.20	16.15	17.00	18.15	19.90
10	11.00	14.05	15.10	16.05	17.10	18.00	19.35	21.25
11	11.30	14.70	15.85	16.90	18.05	19.05	20.50	22.60
12	11.65	15.35	16.60	17.75	18.95	20.10	21.65	24.00
13	11.95	16.00	17.35	18.55	19.90	21.15	22.85	25.35
14	12.30	16.60	18.05	19.40	20.85	22.15	24.00	26.70
15	12.65	17.25	18.80	20.25	21.80	23.20	25.20	28.05
16	12.95	17.90	19.55	21.10	22.75	24.25	26.35	29.40
17	13.30	18.55	20.30	21.90	23.70	25.25	27.50	30.75
18	13.65	19.15	21.05	22.75	24.65	26.30	28.70	32.15
19	13.95	19.80	21.80	23.60	25.55	27.35	29.85	33.50
20	14.30	20.45	22.55	24.45	26.50	28.35	31.00	34.85
21	14.60	21.10	23.25	25.25	27.45	29.40	32.20	36.20
22	14.95	21.75	24.00	26.10	28.40	30.45	33.35	37.55
23	15.30	22.35	24.75	26.95	29.35	31.50	34.50	38.95
24	15.60	23.00	25.50	27.80	30.30	32.50	35.70	40.30
25	15.95	23.65	26.25	28.60	31.20	33.55	36.85	41.65
26	16.30	24.30	27.00	29.45	32.15	34.60	38.00	43.00
27	16.60	24.90	27.75	30.30	33.10	35.60	39.20	44.35
28	16.95	25.55	28.45	31.15	34.05	36.65	40.35	45.70
29	17.25	26.20	29.20	31.95	35.00	37.70	41.50	47.10
30	17.60	26.85	29.95	32.80	35.95	38.70	42.70	48.45
31	17.95	27.50	30.70	33.65	36.85	39.75	43.85	49.80
32	18.25	28.10	31.45	34.50	37.80	40.80	45.00	51.15
33	18.60	28.75	32.20	35.30	38.75	41.85	46.20	52.50
34	18.90	29.40	32.95	36.15	39.70	42.85	47.35	53.90
35	19.25	30.05	33.70	37.00	40.65	43.90	48.50	55.25

MAIL NEXT DAY SERVICE
FFICE TO POST OFFICE

	POUNDS (up to and including)	ZONES							
		1,2	3	4	5	6	7	8	9
80	36	19.60	30.65	34.40	37.85	41.60	44.95	49.70	56.60
60	37	19.90	31.30	35.15	38.70	42.50	45.95	50.85	57.95
70	38	20.25	31.95	35.90	39.50	43.45	47.00	52.00	59.30
70	39	20.60	32.60	36.65	40.35	44.40	48.05	53.20	60.65
70	40	20.90	33.25	37.40	41.20	45.35	49.05	54.35	62.05
80	41	21.25	33.85	38.15	42.05	46.30	50.10	55.50	63.40
20	42	21.55	34.50	38.90	42.85	47.25	51.15	56.70	64.75
55	43	21.90	35.15	39.60	43.70	48.20	52.20	57.85	66.10
90	44	22.25	35.80	40.35	44.55	49.10	53.20	59.00	67.45
25	45	22.55	36.45	41.10	45.40	50.05	54.25	60.20	68.85
60	46	22.90	37.05	41.85	46.20	51.00	55.30	61.35	70.20
00	47	23.25	37.70	42.60	47.05	51.95	56.30	62.50	71.55
35	48	23.55	38.35	43.35	47.90	52.90	57.35	63.70	72.90
70	49	23.90	39.00	44.10	48.75	53.85	58.40	64.85	74.25
05	50	24.20	39.60	44.80	49.55	54.75	59.40	66.00	75.60
40	51	24.55	40.25	45.55	50.40	55.70	60.45	67.20	77.00
75	52	24.90	40.90	46.30	51.25	56.65	61.50	68.35	78.35
15	53	25.20	41.55	47.05	52.10	57.60	62.55	69.50	79.70
50	54	25.55	42.20	47.80	52.90	58.55	63.55	70.70	81.05
85	55	25.90	42.80	48.55	53.75	59.50	64.60	71.85	82.40
20	56	26.20	43.45	49.30	54.60	60.40	65.65	73.00	83.75
55	57	26.55	44.10	50.00	55.45	61.35	66.65	74.20	85.15
95	58	26.85	44.75	50.75	56.25	62.30	67.70	75.35	86.50
30	59	27.20	45.35	51.50	57.10	63.25	68.75	76.50	87.85
65	60	27.55	46.00	52.25	57.95	64.20	69.75	77.70	89.20
00	61	27.85	46.65	53.00	58.80	65.15	70.80	78.85	90.55
35	62	28.20	47.30	53.75	59.65	66.05	71.85	80.00	91.95
70	63	28.50	47.95	54.50	60.45	67.00	72.90	81.20	93.30
10	64	28.85	48.55	55.20	61.30	67.95	73.90	82.35	94.65
45	65	29.20	49.20	55.95	62.15	68.90	74.95	83.55	96.00
80	66	29.50	49.85	56.70	63.00	69.85	76.00	84.70	97.35
15	67	29.85	50.50	57.45	63.80	70.80	77.00	85.85	98.70
50	68	30.20	51.10	58.20	64.65	71.75	78.05	87.05	100.10
90	69	30.50	51.75	58.95	65.50	72.65	79.10	88.20	101.45
25	70	30.85	52.40	59.70	66.35	73.60	80.10	89.35	102.80

CHAPTER 3.—First-Class Mail

310 Rates and Fees

A. Single Letters (12 oz. or less):

This applies to First-Class letters which do not exceed 12 ounces.

First oz. or fraction of an oz ..... 22¢
Each additional oz. or fraction of an oz... 17¢

Not Exceeding (ounces)	Rate
1	22¢
2	39¢
3	56¢
4	73¢
5	90¢
6	$1.07
7	$1.24
8	$1.41
9	$1.58
10	$1.75
11	$1.92
12	$2.09

B. Cards:

Postal cards are stamped cards sold by the USPS. Post cards are sold commercially and need to have stamps added. Rates:

Postal cards:
Single ..... $ .14 each
Double ..... .28 (14 cents each part)

Post cards:
Single ..... .14 each
Double ..... .28 (14 cents each part)

(Reply part does not have to bear postage when originally mailed.)

C. Presort First-Class Mail:

To mail at presort rate, the annual presort fee of $50 must first be paid.

Rates: The applicable First-Class rate, less 4 cents per piece for letters and less 2 cents per piece for cards.

D. Carrier Route First-Class Mail:

To mail at the carrier route First-Class rate, the presort annual fee of $50 must first be paid. (This is the same fee to mail at Presort First-Class Mail rates.)

Rates: The applicable full First-Class rate, less 5 cents per piece for the first ounce or fraction of an ounce and 17 cents for each additional ounce for letters and less 3 cents per piece for cards.

E. ZIP + 4 First-Class Mail:

To mail at the ZIP + 4 presort rate, the presort annual fee of $50 must be paid. Payment of one $50 fee allows the mailer to mail qualifying matter at all First-Class presort rates, including Carrier Route Presort. No fee is required to mail at the ZIP + 4 (nonpresorted) rate.

Nonpresort Rates: The applicable full First-Class rate less .9 cent per piece for the first ounce or fraction of an ounce and 17 cents for each additional ounce or fraction for letters and less .9 cent per piece for cards.

Presort Rates: The applicable full First-Class rate, less 4.5 cents per piece for the first ounce or fraction of an ounce and 17 cents for each additional ounce or fraction for letters and less 2.5 cents per piece for cards.

F. Address Correction Service Fee:

The fee for address correction service is 30 cents per notice issued.

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350 Physical Limitations

* * * * *

353 Nonstandard First-Class Mail

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353.3 Surcharge A surcharge of 10 cents is assessed on each piece of nonstandard First-Class Mail.

G. Zone Rated (Priority) Mail (Over 12 oz.)

Weight over 12 ounces and not exceeding-pound(s)	Rate					
	Local zones 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1	2.40	2.40	2.40	2.40	2.40	2.40
2	2.40	2.40	2.40	2.40	2.40	2.40
3	2.74	3.16	3.45	3.74	3.96	4 32
4	3.18	3.75	4.13	4.53	4.92	5.33
5	3.61	4.32	4.86	5.27	5.81	6.37
6	4.15	5.08	5.71	6.31	6.91	7.66
7	4.58	5.66	6.39	7.09	7.80	8.67
8	5.00	6.23	7.07	7.87	8.68	9.68
9	5.43	6.81	7.76	8.66	9.57	10.69
10	5 85	7.39	8.44	9.44	10.45	11.70
11	6.27	7.97	9.12	10.22	11.33	12.71
12	6.70	8.55	9.81	11.01	12.22	13.72
13	7.12	9.12	10.49	11.79	13.10	14.73
14	7.55	9.70	11.17	12.57	13.99	15.74
15	7.97	10.28	11.86	13.36	14.87	16.75
16	8.39	10.86	12.54	14.14	15.75	17.75
17	8.82	11.44	13.22	14.92	16.64	18.76
18	9.24	12.01	13.90	15.70	17.52	19.77
19	9.67	12.59	14.59	16.49	18.41	20.78
20	10.09	13.17	15.27	17.27	19.29	21.79
21	10.51	13.75	15.95	18.05	20.17	22.80
22	10.94	14.33	16.64	18.84	21.06	23.81
23	11.36	14.90	17.32	19.62	21.94	24.82
24	11.79	15.48	18.00	20.40	22.83	25.83
25	12.21	16.06	18.69	21.19	23.71	26.84
26	12.63	16.64	19.37	21.97	24.59	27.84
27	13.06	17.22	20.05	22.75	25.48	28.85
28	13.48	17.79	20.73	23.53	26.36	29.86
29	13.91	18.37	21.42	24.32	27.25	30.87
30	14.33	18.95	22.10	25.10	28.13	31.88
31	14.75	19.53	22.78	25.88	29.01	32.89
32	15.18	20.11	23.47	26.67	29.90	33.90
33	15.60	20,68	24.15	27.45	30.78	34.91
34	16.03	21.26	24.83	28.23	31.67	35.92
35	16.45	21.84	25.52	29.02	32.55	36.93

Exception: Parcels weighing less than 15 pounds and measuring ov
rate equal to that for a 15pound parcel for the zone to which addr

Weight 12 ounces and not exceeding-pound(s)	Rate					
	Local zones 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
36	16.87	22.42	26.20	29.80	33 43	37.93
37	17.30	23.00	26.88	30.58	34 32	38.94
38	17.72	23 57	27.56	31.36	35.20	39.95
39	18.15	24.15	28.25	32.15	36.09	40.96
40	18.57	24.73	28.93	32.93	36.97	41.97
41	18.99	25.31	29.61	33.71	37.85	42.98
42	19.42	25.89	30.30	34.50	38.74	43.99
43	19.84	26.46	30.98	35.28	39.62	45.00
44	20.27	27.04	31.66	36.06	40.51	46.01
45	20.69	27.62	32.35	36.85	41.39	47.02
46	21.11	28.20	33.03	37.63	42.27	48.02
47	21.54	28.78	33.71	38.41	43.16	49.03
48	21.96	29.35	34.39	39.19	44.04	50.04
49	22.39	29.93	35.08	39.98	44.93	51.05
50	22.81	30.51	35.76	40.76	45.81	52.06
51	23.23	31.09	36.44	41.54	46.69	53.07
52	23.66	31.67	37.13	42.33	47.58	54.08
53	24.08	32.24	37.81	43.11	48.46	55.09
54	24.51	32.82	38.49	43.89	49.35	56.10
55	24.93	33.40	39.18	44.68	50.23	57.11
56	25.35	33.98	39.86	45.46	51.11	58.11
57	25.78	34.56	40.54	46.24	52.00	59.12
58	26.20	35.13	41.22	47.02	52.88	60.13
59	26.63	35.71	41.91	47.81	53.77	61.14
60	27.05	36.29	42.59	48.59	54.65	62.15
61	27.47	36.87	43.27	49.37	55.53	63.16
62	27.90	37.45	43.96	50.16	56.42	64.17
63	28.32	38.02	44.64	50.94	57.30	65.18
64	28.75	38.60	45.32	51.72	58.19	66.19
65	29.17	39.18	46.01	52.51	59.07	67.20
66	29.59	39.76	46.69	53.29	59.95	68.20
67	30.02	40.34	47.37	54.07	60.84	69.21
68	30.44	40.91	48.05	54.85	61.72	70.22
69	30 87	41.49	48.74	55.64	62.61	71.23
70	31.29	42.07	49.42	56.42	63.49	72.24

ng over 84 inches in length and girth combined are chargeable with a minimum
addressed.

CHAPTER 4.—Second-Class Mail

410 Rates and Fees

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411.2 Regular Rates

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.211 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	11.8
Advertising portion:	
Zones 1 and 2	15.8
Zone 3	16.6
Zone 4	18.2
Zone 5	20.7
Zone 6	23.3
Zone 7	26.0
Zone 8	28.9

.212 Per Piece Rates. The three per piece rates reflect the level of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 468.

Level A—Basic. Pieces not qualifying for Level B—5 digit or Level C—Carrier (3-digits which are not unique 3-digit cities, SCF, states, mixed states)	12.3¢
Level B—5 Digit. Packages of six of more addressed pieces for a 5-digit, a unique 3-digit city, or a multi-ZIP Coded city destination listed in Exhibit 122.63	9.6¢
Level C—Carrier. Packages of six or more addressed pieces for carrier route or finer sort destinations	7.8¢

.213 Intra SCF Rate. Pieces in properly prepared carrier route, 5-digit, 3-digit, or sectional center facility (SCF) packages of six or more addressed pieces for delivery within the SCF of mailing may qualify for the intra SCF rate. This rate equals the applicable per piece rate minus 1.0 cent per addressed piece.

Note: Copies of second-class publications that do not qualify for Level B—5-Digit on Level C—Carrier must meet second-class presort requirements to be eligible for second-class rates (see 460).

.22 Mailings by Other Than Publisher or Registered News Agent

The applicable single piece third-class or fourth-class rate is charged on copies mailed by the general public (persons other than publishers or registered news agents), on copies returned to the publisher, and on copies mailed by publishers or registered news agents which are not commingled and presorted as part of the regular mailing of subscriber or requester copies.

.23 Nonadvertising Adjustment

The nonadvertising adjustment applies to regular rate and science of agriculture publications. Limited circulation publications (including limited circulation science of agriculture publications) are not eligible. It is determined by multiplying the nonadvertising percent (Content) by .03 cent and multiplying that result by the number of addressed pieces for delivery outside the county of publication. The nonadvertising adjustment amount is subtracted before the total postage charge is determined.

411.3 Preferred Rates

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.32 In-County Rates

.321 General Application. In-county rates apply to copies of second-class publications (except commingled nonsubscriber copies in excess of the 10 percent allowance, and requester copies) which are to be delivered to addresses within the county of publication if such copies are:

a. Mailed at the office of original entry; or

b. Mailed at an office of additional entry within the county of publication.

Note: If the postmaster of an office of entry directs a publisher to deposit copies of the publication at a postal facility serving that office, these copies will be considered as mailed at the office of entry. Copies are subject to in-county rates if they are addressed to destinations within the county and are entered at a post office which serves those addresses, but is located outside the county.

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.322 Rates. In-county rates are:

Per Pound	5.8¢
Per Piece:	
Level J—Not Presorted to Carrier Route	3.3¢
Level K—Presorted to Carrier Route. Packages of six of more addressed pieces for carrier route or finer sort destinations	1.5¢

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.33 Special Nonprofit Rate

.331 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	7.5
Advertising portion:	
Zones 1 and 2	10.1
Zone 3	11.3
Zone 4	13.0
Zone 5	15.6
Zone 6	18.3
Zone 7	21.3
Zone 8	23.9

Note: The advertising zone rates are applicable to issues in which the advertising portion exceeds 10 percent. Issues containing 10 percent or less advertising will be computed at the nonadvertising rate.

.332 Per Piece Rates. The three per piece rates reflect the level of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 468.

Level G—Basic—Pieces not qualifying for Level H-5-Digit or Level I-Carrier (3-Digits which are not unique 3-digit cities, SCF, states, mixed states) ..... 6.5¢

Level H—5-Digit—Packages of six or more addressed pieces for 5-digit, a unique 3-digit city, or multi-ZIP Coded city destinations listed on Exhibit 122.63 ..... 3.9¢

Level I—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations ..... 2.0¢

.333 Intra SCF Rate. Pieces in properly prepared carrier route, 5-digit, 3-digit, or SCF packages of six or more addressed pieces for delivery within the SCF of mailing may qualify for the intra SCF rate. This rate equals the applicable per piece rate minus 1.0 cent per addressed piece.

Note: Copies of second-class publications that do not qualify for Level H—5-Digit or Level I—Carrier must meet second-class presort requirements to be eligible for second-class rates (see 460).

.34 Classroom

.341 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	5.3
Advertising portion:	
Zones 1 and 2	7.0
Zone 3	8.0
Zone 4	9.7
Zone 5	12.3
Zone 6	15.1
Zone 7	18.2
Zone 8	21.1

.342 Per Piece Rate. The per piece rate is 3.9 cents.

.343 Intra SCF Rate. Pieces in properly prepared carrier route, 5-digit, 3-digit, or SCF packages of six or more addressed pieces for delivery within the SCF of mailing may qualify for the intra SCF rate. This rate equals the applicable per piece rate minus 1.0 cent per addressed piece.

.35 Science of Agriculture

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.352 Per Pound. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	11.8
Advertising portion:	
Zones 1 and 2	10.1
Zone 3	16.6
Zone 4	18.2
Zone 5	20.7
Zone 6	23.3
Zone 7	26.0
Zone 8	28.9

.353 Per Piece Rates. The three per piece rates reflect the level of presort for mailings of 5,000 or more copies per issue. The sortations that must be accomplished to qualify for these rates are prescribed in 460.

Level A—Basic. Pieces not qualifying for Level B—5-Digit or Level C—Carrier (3-Digits which are not Unique 3-Digit cities, SCF, states, mixed states) ..... 12.3¢

Level B—5-Digit. Packages of six or more addressed pieces for 5-digit, a unique 3-Digit city, or multi-ZIP Coded city destinations listed in Exhibit 122.63 ..... 9.6¢

Level C—Carrier. Packages of six or more addressed pieces for carrier route or finer sort destinations ..... 7.8¢

.354 Intra SCF Rate. Pieces in properly prepared carrier route, 5-digit, 3-digit, or SCF packages of six or more addressed pieces for delivery within the SCF of mailing may qualify for the intra SCF rate. This rate equals the applicable per piece rate minus 1.0 cent per addressed piece.

Note: Copies of second-class publications that do not qualify for Level B—5-Digit or Level C—Carrier must meet second-class presort requirements to be eligible for second-class rates (see 460).

.36 Limited Circulation

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.362 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	11.8
Advertising portion:	
Zones 1 and 2	15.8
Zone 3	16.6
Zone 4	18.2
Zone 5	20.7
Zone 6	23.3
Zone 7	26.0
Zone 8	28.9

.363 Per Piece Rates. The three per piece rates reflect the level of presort for mailings of less than 5,000 out-of-county copies per issue:

Level D—Basic. Pieces not qualifying for Level E—5-Digit or Level F—Carrier (3-Digits which are not unique 3-Digit cities, SCF, states, mixed states) ..... 6.3¢

Level E—5-Digit. Packages of six or more addressed pieces for 5-digit, a unique 3-Digit city, or multi-ZIP Coded city destinations listed in Exhibit 122.63 ..... 3.7¢

Level F—Carrier. Packages of six or more addressed pieces for carrier route or finer sort destinations ..... 1.8¢

.364 Intra SCF Rate. Pieces in properly prepared carrier route, 5-digit, 3-digit, or SCF packages of six or more addressed pieces for delivery within the SCF of mailing, may qualify for the intra SCF rate. This rate equals the applicable per piece rate minus 1.0 cent per addressed piece.

Note: Copies of second-class publications that do not qualify for Level E—5-Digit or Level F—Carrier must meet second-class presort requirements to be eligible for second-class rates (see 460).

.37 Limited Circulation Science of Agriculture

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.372 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	11.8
Advertising portion:	
Zones 1 and 2	10.1
Zone 3	16.6
Zone 4	18.2
Zone 5	20.7
Zone 6	23.3
Zone 7	26.0
Zone 8	28.9

.373 Per Piece Rates. The three per pieces rates reflect the level of presort for mailings of less than 5,000 out-of-county copies per issue.

Level D—Basic. Pieces not qualifying for Level E—5-Digit or Level F—Carrier (3-Digits which are not unique 3-Digit cities, SCF, states, mixed states) ..... 6.3¢

Level E—5-Digit. Packages of six or more addressed pieces for 5-Digit, a unique 3-digit city or multi-ZIP Coded city destinations listed in Exhibit 122.63 ..... 3.7¢

Level F—Carrier. Packages of six or more addressed pieces for carrier route or finer sort destinations ..... 1.8¢

.374 Intra SCF Rate. Pieces in properly prepared carrier route, 5-digit, 3-digit, or SCF packages of six or more addressed pieces for delivery within the SCF of mailing may qualify for the intra SCF rate. This rate equals the applicable per piece rate minus 1.0 cent per addressed piece.

Note: Copies of second-class publications that do not qualify for Level-E—5-Digit or Level F—Carrier must meet second-class presort requirements to be eligible for second-class rates (see 460).

.38 Nonsubscriber Copies Sent at a Preferred Rate. Nonsubscriber copies mailed at any time during the calendar year up to 10 percent of the total weight of copies mailed to subscribers during the calendar year are preferred mail and subject to the preferred mail rates, provided that the nonsubscriber copies would have been preferred mail if mailed to subscribers.

.39 Commingled Nonsubscriber Copies. Commingled nonsubscriber copies in excess of 10 percent of the total weight of copies mailed to subscribers are subject to the regular rates in 411.21.

412 Fees

412.1 Application Fees for Second-Class Privileges. The fees to accompany applications for second-class original entry, reentry, additional entry, or for registration as a news agent, are:

Kind of Application	Amount
a. Original Entry	$220.00
b. News Agent Registry	$35.00
c. Reentry (because of change in title, frequency of issue, office of publication, or other reason)	$35.00
d. Additional Entry (Only one is collectible for an application for additional entry even if the additional entry for which application is made modifies another previously approved additional entry.)	$60.00

Note: If an application is not approved, no part of the fee is returned to the applicant.

412.2 Fee for Address Correction Service. The fee for address correction service is 30 cents per notice issued.

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460 Preparation Requirements

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468 Special Preparation Requirements or Options

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.12 Qualification Requirements

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c. Intra SCF Rate. The intra SCF rate applies to addressed pieces presorted in carrier route, 5-digit, 3-digit, or SCF packages of six or more pieces for delivery outside the county of publication at either the post office of mailing or at other post offices served by the SCF that serves the post office of mailing. The addressed pieces must meet second-class presort requirements to be eligible for second-class rates (see 460). *Note:* The intra SCF rate does not apply to addressed pieces mailed at the in-county rates in 411.32.

d. Bundling or Packaging Instead of Sacking. Pieces presented in bundles or packages instead of sacks (see 467.1 and 467.2) are eligible for presort rates providing they meet all other requirements for the presort rates. For purpose of eligibility for presort level rates in 468.12 a and b, a bundle or package is equivalent to a sack. A bundle or package meeting the requirements in 468.12 a and b will qualify for the appropriate presort level rate regardless of the pallet it is placed upon, if prepared in accordance with 467.1 and 467.2.

.13 Documentation Requirements. Mailers must be prepared to document or otherwise confirm the number of pieces mailed and paid for at the Levels B, C, E, F, H, I, and K piece rates, and at the intra SCF rate. This may be done in any of the following ways:

a. By separating sacks paid at the various presort category rates when they are presented for mailing. That is, group the sacks by: (1) those containing pieces eligible for basic rates (Levels A, D, G, and J); (2) those containing pieces eligible for the 5-digit rates (Levels B, E, or H); (3) those containing pieces eligible for carrier rates (Levels C, F, I, and K). Identify those that qualify for the intra SCF rate.

b. By attaching to the mailing statement a list of the number of copies (and pieces) contained in sacks to each 5-digit ZIP Code, to each city having a unique 3-digit ZIP Code prefix, to each city listed in Exhibit 122.63a, to each carrier route for which levels B, C, E, F, H, I, and K piece rates are being paid, and by 3-digit ZIP Code prefix the number of copies (and pieces) that qualify for the intra SCF rate.

c. By maintaining records for each mailing which will confirm the number of pieces in qualifying 3-digit city, 5-digit, carrier route sacks, carrier routes sacks, and the number of pieces that qualify for the intra SCF rate, by level. The records must document the number of copies (and pieces) to each qualifying 3-digit city, 5-digit, and carrier route destination for which sacks are made up. A print-out must be presented prior to the first mailing made under this arrangement. These records must be retained for at least two months, or until any pending action regarding the recalculation of postage is resolved to the satisfaction of the Postal Service (see 468.12b).

Note: The mailer must provide a copy of the record for a particular mailing, or portions of it, within 30 days of a request by the postmaster of the office of entry. Postmasters will advise the Region's Revenue Protection Programs Manager of all publications being mailed under this arrangement. Acceptance units will maintain a list of publications authorized to mail under this arrangement.

470 Mailing

471 Who May Mail

Only publishers and registered news agents who have been authorized second-class mailing privileges may mail at the second-class rates. Postage at the third- or fourth-class rate (see 411.22) must be paid on all copies mailed by the general public.

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480 Payment of Postage

481 Payments in Advance of Dispatch

Postage must be fully prepaid before second-class mailings are dispatched. Payment must be made through an advance deposit account established at the post office of mailing. The post office will issue receipts for advance deposit account payments. The third- or fourth-class rate may be paid only by adhesive or meter stamps or by permit imprints (see 411.22).

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CHAPTER 6.—Third-Class Mail

610 Rates and Fees

611 Rates

611.1 Single Piece Rates

.11 General. The single piece rates are applied to each piece according to its weight.

The single piece rates are:	
0 to 1 oz	$0.22
Over 1 to 2 ozs	.39
Over 2 to 3 ozs	.56
Over 3 to 4 ozs	.73
Over 4 to 6 ozs	.88
Over 6 to 8 ozs	.98
Over 8 to 10 ozs	1.08
Over 10 to 12 ozs	1.18
Over 12 to 14 ozs	1.28
Over 14 but less than 16 ozs	1.38

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.12 Exception. When the postage rate computed at the single piece third-class rate is higher than *any* fourth-class rate, for which the matter and mailing could qualify except for *weight,* the lower fourth-class rate should be paid. *Example 1:* A third-class parcel containing merchandise weighing between 14 and 16 ounces may be mailed at the Parcel Post rate if that rate is lower. *Example 2:* A catalog weighing less than one pound, which otherwise meets all prescribed requirements of fourth-class bound printed matter except for weight, may be mailed at the bound printed matter rate.

611.2 Bulk Rates (See Exhibits 611.2a, b, c, & d)

611.3 Minimum Bulk Rate Postage. The total postage paid on any bulk mailing may not be lower than the amount determined by multiplying the appropriate minimum rate per piece by the total number of pieces in the mailing. If the total postage computed at pound rates, after adding any adjustment for presort level, is less than the minimum postage charge, postage must be computed at the minimum rate per piece.

611.4 Keys and Identification Devices. Keys and identification devices such as identification cards or identification tags that are without cover may be mailed at third-class rates if they bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern, with instructions to return to such address and a statement guaranteeing the payment of the postage due on delivery. They are charged 62 cents for the first 2 ounces and 34 cents for each additional 2 ounces or fraction thereof.

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612 Fees

612.1 Annual Bulk Mailing Fees. The annual bulk mailing fee is $50.

612.2 Address Correction Service Fee. The fee for address correction service is 30 cents per notice issued.

Exhibit 611.2a (Regular Rates)

REGULAR RATES

Pieces which weigh *more* than 3.4948 ounces and are mailed at the 5-digit or basic rate are subject to the per pound rate and the applicable per piece rate.

Presort level:	Per pound or fraction	Minimum rate per piece
Basic	38¢ Plus 4.2¢ per piece	12.5¢
5-digit	38¢ Plus 1.8¢ per piece	10.1¢
Carrier route	38¢	8.3¢

Pieces which are equal to or weigh *less* than 3.4948 ounces, or 0.21842 pound, or 99.163 grams must be paid at the prescribed minimum per piece rate for each presort level.

Exception: When the postage computed at the bulk third-class rate is higher than a fourth-class rate for which the matter and the mailing could qualify except for weight, the fourth-class rate may be paid without the necessity of adding needless additional weight. *Example:* A piece which weighs less than 1 pound and which meets all prescribed requirements, other than weight for fourth-class bound printed matter may be mailed at the fourth-class bound printed matter rate. All other requirements of bulk third-class remain applicable.

Exhibit 611.2b (Special Rates)

SPECIAL RATES FOR AUTHORIZED NONPROFIT ORGANIZATIONS ONLY—See 623.

Pieces which weigh *more* than 2.6029 ounces and are mailed at the 5-digit or basic rate are subject to the per pound rate and the applicable per piece rate.

Presort level:	Per pound or fraction	Minimum rate per piece
Basic	20.9¢ Plus 2.6¢ per piece	6.0¢
5-digit	20.9¢ Plus 1.5¢ per piece	4.9¢
Carrier route	20.9¢	3.4¢

Pieces which are *equal to or weigh less* than 2.6029 ounces, or 0.16268 pound, or 73.857 grams must be paid at the prescribed minimum per piece rate for each presort level.

Exception: When the postage computed at the bulk third-class rate is higher than a fourth-class rate for which the matter and the mailing could qualify except for weight, the fourth-class rate may be paid without the necessity of adding needless additional weight. *Example:* A piece which weights less than 1 pound and which meets all prescribed requirements, other than weight, for fourth-class bound printed matter may be mailed at the fourth-class bound printed matter rate. All other requirements of bulk third-class remain applicable.

Up to (Ounces)	CAR-RT RATE (cents)	5-DIGIT RATE (cents)	BASIC RATE (cents)
1	8.3	10.1	12.5
2	8.3	10.1	12.5
3	8.3	10.1	12.5
3.5	8.4	10.2	12.6
3.6	8.6	10.4	12.8
3.7	8.8	10.6	13
3.8	9.1	10.9	13.3
3.9	9.3	11.1	13.5
4	9.5	11.3	13.7
4.1	9.8	11.6	14
4.2	10	11.8	14.2
4.3	10.3	12.1	14.5
4.4	10.5	12.3	14.7
4.5	10.7	12.5	14.9
4.6	11	12.8	15.2
4.7	11.2	13	15.4
4.8	11.4	13.2	15.6
4.9	11.7	13.5	15.9
5	11.9	13.7	16.1
5.1	12.2	14	16.4
5.2	12.4	14.2	16.6
5.3	12.6	14.4	16.8
5.4	12.9	14.7	17.1
5.5	13.1	14.9	17.3
5.6	13.3	15.1	17.5
5.7	13.6	15.4	17.8
5.8	13.8	15.6	18
5.9	14.1	15.9	18.3
6	14.3	16.1	18.5
6.1	14.5	16.3	18.7
6.2	14.8	16.6	19
6.3	15	16.8	19.2
6.4	15.2	17	19.4
6.5	15.5	17.3	19.7
6.6	15.7	17.5	19.9
6.7	16	17.8	20.2
6.8	16.2	18	20.4
6.9	16.4	18.2	20.6
7	16.7	18.5	20.9
7.1	16.9	18.7	21.1
7.2	17.1	18.9	21.3
7.3	17.4	19.2	21.6
7.4	17.6	19.4	21.8
7.5	17.9	19.7	22.1
7.6	18.1	19.9	22.3
7.7	18.3	20.1	22.5
7.8	18.6	20.4	22.8
7.9	18.8	20.6	23
8	19	20.8	23.2
8.1	19.3	21.1	23.5
8.2	19.5	21.3	23.7
8.3	19.8	21.6	24
8.4	20	21.8	24.2
8.5	20.2	22	24.4
8.6	20.5	22.3	24.7
8.7	20.7	22.5	24.9
8.8	20.9	22.7	25.1
8.9	21.2	23	25.4
9	21.4	23.2	25.6
9.1	21.7	23.5	25.9
9.2	21.9	23.7	26.1
9.3	22.1	23.9	26.3
9.4	22.4	24.2	26.6
9.5	22.6	24.4	26.8
9.6	22.8	24.6	27
9.7	23.1	24.9	27.3
9.8	23.3	25.1	27.5
9.9	23.6	25.4	27.8
10	23.8	25.6	28
10.1	24	25.8	28.2
10.2	24.3	26.1	28.5
10.3	24.5	26.3	28.7
10.4	24.7	26.5	28.9
10.5	25	25.8	29.2
10.6	25.2	27	29.4
10.7	25.5	27.3	29.7
10.8	25.7	27.5	29.9
10.9	25.9	27.7	30.1
11	26.2	28	30.4
11.1	26.4	28.2	30.6
11.2	26.6	28.4	30.8
11.3	26.9	28.7	31.1
11.4	27.1	28.9	31.3
11.5	27.4	29.2	31.6
11.6	27.6	29.4	31.8
11.7	27.8	29.6	32
11.8	28.1	29.9	32.3
11.9	28.3	30.1	32.5
12	28.5	30.3	32.7
12.1	28.8	30.6	33
12.2	29	30.8	33.2
12.3	29.3	31.1	33.5
12.4	29.5	31.3	33.7
12.5	29.7	31.5	33.9
12.6	30	31.8	34.2
12.7	30.2	32	34.4
12.8	30.4	32.2	34.6
12.9	30.7	32.5	34.9
13	30.9	32.7	35.1
13.1	31.2	33	35.4
13.2	31.4	33.2	35.6
13.3	31.6	33.4	35.8
13.4	31.9	33.7	36.1
13.5	32.1	33.9	36.3
13.6	32.3	34.1	36.5
13.7	32.6	34.4	36.8
13.8	32.8	34.6	37
13.9	33.1	34.9	37.3
14	33.3	35.1	37.5
14.1	33.5	35.3	37.7
14.2	33.8	35.6	38
14.3	34	35.8	38.2
14.4	34.2	36	38.4
14.5	34.5	36.3	38.7
14.6	34.7	36.5	38.9
14.7	35	36.8	39.2
14.8	35.2	37	39.4
14.9	35.4	37.2	39.6
15	35.7	37.5	39.9
15.1	35.9	37.7	40.1
15.2	36.1	37.9	40.3
15.3	36.4	38.2	40.6
15.4	36.6	38.4	40.8
15.5	36.9	38.7	41.1
15.6	37.1	38.9	41.3
15.7	37.3	39.1	41.5
15.8	37.6	39.4	41.8
15.9	37.8	39.6	42

Exhibit 611.2c—Regular Rates—Individually Metered Mail

Up to (Ounces)	CAR-RT RATE (cents)	5-DIGIT RATE (cents)	BASIC RATE (cents)	Up to (Ounces)	CAR-RT RATE (cents)	5-DIGIT RATE (cents)	BASIC RATE (cents)
1	3.4	4.9	6				
2	3.4	4.9	6	9.3	12.2	13.7	14.8
2.7	3.6	5.1	6.2	9.4	12.3	13.8	14.9
2.8	3.7	5.2	6.3	9.5	12.4	13.9	15
2.9	3.8	5.3	6.4	9.6	12.6	14.1	15.2
3	4	5.5	6.6	9.7	12.7	14.2	15.3
3.1	4.1	5.6	6.7	9.8	12.8	14.3	15.4
3.2	4.2	5.7	6.8	9.9	13	14.5	15.6
3.3	4.4	5.9	7	10	13.1	14.6	15.7
3.4	4.5	6	7.1	10.1	13.2	14.7	15.8
3.5	4.6	6.1	7.2	10.2	13.4	14.9	16
3.6	4.7	6.2	7.3	10.3	13.5	15	16.1
3.7	4.9	6.4	7.5	10.4	13.6	15.1	16.2
3.8	5	6.5	7.6	10.5	13.8	15.3	16.4
3.9	5.1	6.6	7.7	10.6	13.9	15.4	16.5
4	5.3	6.8	7.9	10.7	14	15.5	16.6
4.1	5.4	6.9	8	10.8	14.1	15.6	16.7
4.2	5.5	7	8.1	10.9	14.3	15.8	16.9
4.3	5.7	7.2	8.3	11	14.4	15.9	17
4.4	5.8	7.3	8.4	11.1	14.5	16	17.1
4.5	5.9	7.4	8.5	11.2	14.7	16.2	17.3
4.6	6	7.5	8.6	11.3	14.8	16.3	17.4
4.7	6.2	7.7	8.8	11.4	14.9	16.4	17.5
4.8	6.3	7.8	8.9	11.5	15.1	16.6	17.7
4.9	6.4	7.9	9	11.6	15.2	16.7	17.8
5	6.6	8.1	9.2	11.7	15.3	16.8	17.9
5.1	6.7	8.2	9.3	11.8	15.5	17	18.1
5.2	6.8	8.3	9.4	11.9	15.6	17.1	18.2
5.3	7	8.5	9.6	12	15.7	17.2	18.3
5.4	7.1	8.6	9.7	12.1	15.8	17.3	18.4
5.5	7.2	8.7	9.8	12.2	16	17.5	18.6
5.6	7.4	8.9	10	12.3	16.1	17.6	18.7
5.7	7.5	9	10.1	12.4	16.2	17.7	18.8
5.8	7.6	9.1	10.2	12.5	16.4	17.9	19
5.9	7.7	9.2	10.3	12.6	16.5	18	19.1
6	7.9	9.4	10.5	12.7	16.6	18.1	19.2
6.1	8	9.5	10.6	12.8	16.8	18.3	19.4
6.2	8.1	9.6	10.7	12.9	16.9	18.4	19.5
6.3	8.3	9.8	10.9	13	17	18.5	19.6
6.4	8.4	9.9	11	13.1	17.2	18.7	19.8
6.5	8.5	10	11.1	13.2	17.3	18.8	19.9
6.6	8.7	10.2	11.3	13.3	17.4	18.9	20
6.7	8.8	10.3	11.4	13.4	17.5	19	20.1
6.8	8.9	10.4	11.5	13.5	17.7	19.2	20.3
6.9	9.1	10.6	11.7	13.6	17.8	19.3	20.4
7	9.2	10.7	11.8	13.7	17.9	19.4	20.5
7.1	9.3	10.8	11.9	13.8	18.1	19.6	20.7
7.2	9.4	10.9	12	13.9	18.2	19.7	20.8
7.3	9.6	11.1	12.2	14	18.3	19.8	20.9
7.4	9.7	11.2	12.3	14.1	18.5	20	21.1
7.5	9.8	11.3	12.4	14.2	18.6	20.1	21.2
7.6	10	11.5	12.6	14.3	18.7	20.2	21.3
7.7	10.1	11.6	12.7	14.4	18.9	20.4	21.5
7.8	10.2	11.7	12.8	14.5	19	20.5	21.6
7.9	10.4	11.9	13	14.6	19.1	20.6	21.7
8	10.5	12	13.1	14.7	19.2	20.7	21.8
8.1	10.6	12.1	13.2	14.8	19.4	20.9	22
8.2	10.8	12.3	13.4	14.9	19.5	21	22.1
8.3	10.9	12.4	13.5	15	19.6	21.1	22.2
8.4	11	12.5	13.6	15.1	19.8	21.3	22.4
8.5	11.1	12.6	13.7	15.2	19.9	21.4	22.5
8.6	11.3	12.8	13.9	15.3	20	21.5	22.6
8.7	11.4	12.9	14	15.4	20.2	21.7	22.8
8.8	11.5	13	14.1	15.5	20.3	21.8	22.9
8.9	11.7	13.2	14.3	15.6	20.4	21.9	23
9	11.8	13.3	14.4	15.7	20.5	22	23.1
9.1	11.9	13.4	14.5	15.8	20.7	22.2	23.3
9.2	12.1	13.6	14.7	15.9	20.8	22.3	23.4

Exhibit 611.2d—Special Rates—Individually Metered Mail

620 Classification

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622 Third-Class Bulk Mail

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622.2 Postage. Postage is computed at the applicable rates on the entire bulk mailing to be mailed at one time.

Exception: In no case shall less than the applicable minimum per piece charge be paid (see 611.3).

650 Physical Limitations

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652 Nonstandard Third-Class Mail

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652.3 Surcharge. A surcharge of 10 cents is assessed on each piece of nonstandard single piece rate third-class mail.

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CHAPTER 7.—Fourth-Class Mail

710 Rates and Fees

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712 Fees

712.1 Annual Special Fourth-Class Presort Mailing Fee. The annual fourth-class presort mailing fee is $50.

712.2 Address Correction Fee. The fee for address correction service is 30 cents per notice issued.

Parcel Post Rates—Inter BMC/ASF ZIP Codes Only, Machinable Parcels, No Discount, No Surcharge

Single Piece Zone Rates Not Exceeding (pounds)	Zones 1 and 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
2	1.41	1.51	1.66	1.89	2.13	2.25	2.30
3	1.49	1.65	1.87	2.21	2.58	2.99	3.87
4	1.57	1.78	2.08	2.54	3.03	3.57	4.74
5	1.65	1.92	2.29	2.86	3.47	4.16	5.62
6	1.74	2.05	2.50	3.18	3.92	4.74	6.49
7	1.82	2.19	2.71	3.51	4.37	5.32	7.36
8	1.90	2.32	2.92	3.83	4.82	5.91	8.25
9	1.99	2.46	3.13	4.15	5.26	6.49	9.12
10	2.07	2.59	3.34	4.48	5.71	7.07	10.00
11	2.13	2.70	3.49	4.71	6.03	7.49	10.62
12	2.20	2.79	3.65	4.94	6.34	7.89	11.23
13	2.26	2.89	3.79	5.15	6.63	8.27	11.78
14	2.32	2.98	3.92	5.35	6.90	8.62	12.30
15	2.37	3.06	4.04	5.54	7.15	8.94	12.79
16	2.42	3.14	4.16	5.71	7.39	9.25	13.24
17	2.48	3.22	4.27	5.88	7.61	9.54	13.67
18	2.52	3.29	4.38	6.03	7.83	9.81	14.08
19	2.57	3.36	4.48	6.18	8.03	10.07	14.46
20	2.62	3.43	4.58	6.33	8.22	10.32	14.83
21	2.67	3.49	4.67	6.47	8.41	10.56	15.18
22	2.71	3.56	4.76	6.60	8.59	10.79	15.51
23	2.75	3.62	4.85	6.73	8.76	11.01	15.83
24	2.80	3.68	4.94	6.85	8.92	11.22	16.14
25	2.84	3.74	5.02	6.97	9.08	11.42	16.43
26	2.88	3.80	5.10	7.08	9.23	11.61	16.72
27	2.92	3.85	5.18	7.20	9.38	11.80	16.99
28	2.96	3.91	5.25	7.30	9.52	11.98	17.26
29	3.00	3.96	5.33	7.41	9.66	12.16	17.52
30	3.04	4.01	5.40	7.51	9.80	12.33	17.77
31	3.08	4.07	5.47	7.61	9.93	12.50	18.01
32	3.12	4.12	5.54	7.71	10.06	12.66	18.24
33	3.15	4.17	5.61	7.81	10.19	12.82	18.47
34	3.19	4.22	5.68	7.90	10.31	12.97	18.70
35	3.23	4.26	5.74	7.99	10.43	13.12	18.91

Bulk Zone Rates

The rate for each piece of a bulk zone rate mailing is the single piece rate for that zone for an item equal to the average weight per piece for all parcels in a mailing going to that zone, rounded up to the next highest whole pound.

Exhibit 711.1a

Parcel Post Rates—Local and Within BMC (Intra BMC/ASF) ZIP Codes Only, All Parcels ($0.16 Discount Subtracted)

Single Piece Zone Rates Not Exceeding (pounds)	Local	Zones 1 and 2	Zone 3	Zone 4	Zone 5
2	1.19	1.25	1.35	1.50	1.73
3	1.25	1.33	1.49	1.71	2.05
4	1.31	1.41	1.62	1.92	2.38
5	1.36	1.49	1.76	2.13	2.70
6	1.42	1.58	1.89	2.34	3.02
7	1.47	1.66	2.03	2.55	3.35
8	1.53	1.74	2.16	2.76	3.67
9	1.59	1.83	2.30	2.97	3.99
10	1.64	1.91	2.43	3.18	4.32
11	1.69	1.97	2.54	3.33	4.55
12	1.74	2.04	2.63	3.49	4.78
13	1.78	2.10	2.73	3.63	4.99
14	1.82	2.16	2.82	3.76	5.19
15	1.86	2.21	2.90	3.88	5.38
16	1.90	2.26	2.98	4.00	5.55
17	1.94	2.32	3.06	4.11	5.72
18	1.98	2.36	3.13	4.22	5.87
19	2.02	2.41	3.20	4.32	6.02
20	2.05	2.46	3.27	4.42	6.17
21	2.09	2.51	3.33	4.51	6.31
22	2.12	2.55	3.40	4.60	6.44
23	2.16	2.59	3.46	4.69	6.57
24	2.19	2.64	3.52	4.78	6.69
25	2.23	2.68	3.58	4.86	6.81
26	2.26	2.72	3.64	4.94	6.92
27	2.29	2.76	3.69	5.02	7.04
28	2.32	2.80	3.75	5.09	7.14
29	2.36	2.84	3.80	5.17	7.25
30	2.39	2.88	3.85	5.24	7.35
31	2.42	2.92	3.91	5.31	7.45
32	2.45	2.96	3.96	5.38	7.55
33	2.48	2.99	4.01	5.45	7.65
34	2.51	3.03	4.06	5.52	7.74
35	2.54	3.07	4.10	5.58	7.83
36	2.57	3.10	4.15	5.65	7.92
37	2.60	3.14	4.20	5.71	8.01
38	2.63	3.17	4.25	5.77	8.09
39	2.66	3.21	4.29	5.83	8.18
40	2.69	3.24	4.34	5.89	8.26
41	2.72	3.28	4.38	5.95	8.34
42	2.75	3.31	4.42	6.01	8.42
43	2.78	3.34	4.47	6.07	8.50
44	2.81	3.38	4.51	6.12	8.58
45	2.84	3.41	4.55	6.18	8.65
46	2.86	3.45	4.60	6.23	8.73
47	2.89	3.48	4.64	6.29	8.80
48	2.92	3.51	4.68	6.34	8.87
49	2.95	3.54	4.72	6.39	8.94
50	2.98	3.58	4.76	6.45	9.01
51	3.01	3.61	4.80	6.50	9.08
52	3.03	3.64	4.84	6.55	9.15
53	3.06	3.67	4.88	6.60	9.22
54	3.09	3.70	4.92	6.65	9.29
55	3.12	3.73	4.96	6.70	9.35
56	3.14	3.77	5.00	6.75	9.42
57	3.17	3.80	5.04	6.80	9.48
58	3.20	3.83	5.07	6.85	9.55
59	3.23	3.86	5.11	6.90	9.61
60	3.25	3.89	5.15	6.94	9.67
61	3.28	3.92	5.19	6.99	9.74
62	3.31	3.95	5.22	7.04	9.80
63	3.34	3.98	5.26	7.08	9.86
64	3.36	4.01	5.30	7.13	9.92
65	3.39	4.04	5.33	7.17	9.98
66	3.42	4.07	5.37	7.22	10.03
67	3.44	4.10	5.41	7.26	10.09
68	3.47	4.13	5.44	7.31	10.15
69	3.50	4.16	5.48	7.35	10.21
70	3.52	4.19	5.51	7.40	10.27

Bulk Zone Rates

The rate for each piece of a bulk zone rate mailing is the single piece rate for that zone for an item equal to the average weight per piece for all parcels in a mailing going to that zone, rounded up to the next highest whole pound.

Exhibit 711.1b

Parcel Post Rates—Inter BMC/ASF ZIP Codes Only, Nonmachinable Parcels ($0.90 Surcharge Included)

Single Piece Zone Rates Not Exceeding (pounds)	Zones 1 & 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
2	2.31	2.41	2.56	2.79	3.03	3.15	3.20
3	2.39	2.55	2.77	3.11	3.48	3.89	4.77
4	2.47	2.68	2.98	3.44	3.93	4.47	5.64
5	2.55	2.82	3.19	3.76	4.37	5.06	6.52
6	2.64	2.95	3.40	4.08	4.82	5.64	7.39
7	2.72	3.09	3.61	4.41	5.27	6.22	8.26
8	2.80	3.22	3.82	4.73	5.72	6.81	9.15
9	2.89	3.36	4.03	5.05	6.16	7.39	10.02
10	2.97	3.49	4.24	5.38	6.61	7.97	10.90
11	3.03	3.60	4.39	5.61	6.93	8.39	11.52
12	3.10	3.69	4.55	5.84	7.24	8.79	12.13
13	3.16	3.79	4.69	6.05	7.53	9.17	12.68
14	3.22	3.88	4.82	6.25	7.80	9.52	13.20
15	3.27	3.96	4.94	6.44	8.05	9.84	13.69
16	3.32	4.04	5.06	6.61	8.29	10.15	14.14
17	3.38	4.12	5.17	6.78	8.51	10.44	14.57
18	3.42	4.19	5.28	6.93	8.73	10.71	14.98
19	3.47	4.26	5.38	7.08	8.93	10.97	15.36
20	3.52	4.33	5.48	7.23	9.12	11.22	15.73
21	3.57	4.39	5.57	7.37	9.31	11.46	16.08
22	3.61	4.46	5.66	7.50	9.49	11.69	16.41
23	3.65	4.52	5.75	7.63	9.66	11.91	16.73
24	3.70	4.58	5.84	7.75	9.82	12.12	17.04
25	3.74	4.64	5.92	7.87	9.98	12.32	17.33
26	3.78	4.70	6.00	7.98	10.13	12.51	17.62
27	3.82	4.75	6.08	8.10	10.28	12.70	17.89
28	3.86	4.81	6.15	8.20	10.42	12.88	18.16
29	3.90	4.86	6.23	8.31	10.56	13.06	18.42
30	3.94	4.91	6.30	8.41	10.70	13.23	18.67
31	3.98	4.97	6.37	8.51	10.83	13.40	18.91
32	4.02	5.02	6.44	8.61	10.96	13.56	19.14
33	4.05	5.07	6.51	8.71	11.09	13.72	19.37
34	4.09	5.12	6.58	8.80	11.21	13.87	19.60
35	4.13	5.16	6.64	8.89	11.33	14.02	19.81
36	4.16	5.21	6.71	8.98	11.44	14.17	20.02
37	4.20	5.26	6.77	9.07	11.56	14.31	20.23
38	4.23	5.31	6.83	9.15	11.67	14.45	20.43
39	4.27	5.35	6.89	9.24	11.78	14.59	20.63
40	4.30	5.40	6.95	9.32	11.88	14.73	20.82
41	4.34	5.44	7.01	9.40	11.99	14.86	21.01
42	4.37	5.48	7.07	9.48	12.09	14.99	21.19
43	4.40	5.53	7.13	9.56	12.19	15.11	21.37
44	4.44	5.57	7.18	9.64	12.29	15.24	21.55
45	4.47	5.61	7.24	9.71	12.39	15.36	21.72
46	4.51	5.66	7.29	9.79	12.49	15.48	21.89
47	4.54	5.70	7.35	9.86	12.58	15.59	22.06
48	4.57	5.74	7.40	9.93	12.67	15.71	22.22
49	4.60	5.78	7.45	10.00	12.76	15.82	22.38
50	4.64	5.82	7.51	10.07	12.85	15.93	22.54
51	4.67	5.86	7.56	10.14	12.94	16.04	22.70
52	4.70	5.90	7.61	10.21	13.03	16.15	22.85
53	4.73	5.94	7.66	10.28	13.12	16.26	23.00
54	4.76	5.98	7.71	10.35	13.20	16.36	23.15
55	4.79	6.02	7.76	10.41	13.29	16.47	23.29
56	4.83	6.06	7.81	10.48	13.37	16.57	23.44
57	4.86	6.10	7.86	10.54	13.45	16.67	23.58
58	4.89	6.13	7.91	10.61	13.53	16.77	23.72
59	4.92	6.17	7.96	10.67	13.61	16.87	23.85
60	4.95	6.21	8.00	10.73	13.69	16.96	23.99
61	4.98	6.25	8.05	10.80	13.77	17.06	24.12
62	5.01	6.28	8.10	10.86	13.84	17.15	24.25
63	5.04	6.32	8.14	10.92	13.92	17.25	24.38
64	5.07	6.36	8.19	10.98	14.00	17.34	24.51
65	5.10	6.39	8.23	11.04	14.07	17.43	24.64
66	5.13	6.43	8.28	11.09	14.14	17.52	24.76
67	5.16	6.47	8.32	11.15	14.22	17.61	24.89
68	5.19	6.50	8.37	11.21	14.29	17.70	25.01
69	5.22	6.54	8.41	11.27	14.36	17.78	25.13
70	5.25	6.57	8.46	11.33	14.43	17.87	25.25

Bulk Zone Rates

The rate for each piece of a bulk zone rate mailing is the single piece rate for that zone for an item equal to the average weight per piece for all parcels in a mailing going to that zone, rounded up to the next highest whole pound.

Exhibit 711.1c

Exhibit 711.2—Bound Printed Matter Rates

A. Single Piece Zone Rate									B. Bulk Rates			
Pieces Weighing up to (Pounds)	Zones								Zones	Per piece		Per pound (cents)
	Local	1 & 2	3	4	5	6	7	8		Required (cents)	Carrier route (cents)	
1.5	$0.55	$0.77	$0.81	$0.89	$1.00	$1.11	$1.26	$1.38	Local	24	19	3.6
2	0.58	0.81	0.87	0.97	1.12	1.27	1.46	1.62	1 and 2.	32	27	6.3
2.5	0.60	0.85	0.92	1.05	1.23	1.42	1.67	1.86	3	32	27	9.1
3	0.63	0.89	0.98	1.12	1.35	1.58	1.87	2.10	4	32	27	14.0
3.5	0.65	0.93	1.03	1.20	1.47	1.73	2.07	2.34	5	32	27	21.5
4	0.68	0.97	1.09	1.28	1.58	1.89	2.28	2.59	6	32	27	29.1
4.5	0.70	1.01	1.14	1.36	1.70	2.04	2.48	2.83	7	32	27	38.9
5	0.73	1.06	1.20	1.44	1.82	2.20	2.69	3.07	8	32	27	46.6
6	0.77	1.14	1.30	1.60	2.05	2.50	3.09	3.55	(1)	(1)	(1)	(1)
7	0.82	1.22	1.41	1.76	2.28	2.81	3.50	4.04				
8	0.87	1.30	1.52	1.91	2.51	3.12	3.91	4.52				
9	0.92	1.38	1.63	2.07	2.75	3.43	4.31	5.01				
10	0.97	1.46	1.74	2.23	2.98	3.74	4.72	5.49				

(1) Postage for bulk rate mailings includes both a per piece and a per pound charge.

Exhibit 711.3—Special Fourth-Class Rates

Kind of mail (Rates restricted to items specifically named)	Rates (without regard to zone)		
	First pound or fraction of a pound	Each additional pound or fraction through 7 pounds	Each additional pound or fraction over 7 pounds
Books: 16-millimeter or narrower width films and catalogs of such films (rate applies for films and catalogs except when mailed to or from commercial theaters); printed music, printed objective test materials, sound recordings, playscripts and manuscripts for books, periodicals and music; printed educational reference charts; looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. (See 724.1)			
Single piece rate	69¢	25¢	15¢
Presort rates:			
Level A	[1] 47¢	25¢	15¢
Level B	[2] 60¢	25¢	15¢

[1] Mailing of 500 or more pieces properly prepared and presorted to 5-digit destination ZIP Codes. (See 724.2)
[2] Mailing of 500 or more pieces properly prepared and presorted to BMCs. (See 724.2)

Exhibit 711.4—Library Rates

Kind of mail	Rate (without regard to zone)		
	First pound or fraction of a pound	Each additional pound or fraction through 7 pounds	Each additional pound or fraction over 7 pounds
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; museum and herbarium materials; 16-millimeter or narrower width films, filmstrips, transparencies, slides, microfilms, scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. See 725	40¢	14¢	8¢

720 Classification

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722 What May Be Mailed at Parcel Post Rates

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722.2 Bulk Parcel Post

.21 Requirements. The bulk fourth-class zone rates are applied to mailings of at least 300 pieces or 2,000 pounds of fourth-class mail of identical weight. Parcels need not be of identical size or content. Mailings of pieces of nonidentical weight may only be made at bulk zone rates when authorized by the Office of Mail Classification, Rates and Classification Department, USPS Headquarters in accordance with 145.8 or 145.9.

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750 Physical Limitations

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753 Nonmachinable Surcharge. A 90 cent nonmachinable surcharge must be paid for a parcel mailed at Inter-BMC/ASF PARCEL POST RATES if it is: [*remainder of DMM 753 is unchanged*].

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760 Preparation Requirements

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763 Carrier Route Bound Printed Matter

763.1 Eligibility

.11 Minimum Quantity.

a. General. Each mailing must consist of at least 300 pieces of mail presorted to carrier routes in accordance with 767.8. Each piece must be part of a group of at least 10 pieces, 20 pounds, or 1,000 cubic inches sorted to the same carrier route, rural route, highway contract route, post office box section, or general delivery unit, in order to be eligible for the carrier route bound printed matter rate.

b. Residual. Residual pieces (those not part of a group of 10 or more pieces to a particular carrier route) may be included in a carrier route presort rate mailing and may bear the *Carrier Route Presort* or *CAR-RT SORT* endorsement subject to the following provisions:

(1) Residual pieces do not count towards the minimum quantity requirements for the carrier route presort level rate.

(2) The number of residual pieces to any single 5-digit ZIP Code area may not exceed 5 percent of the total qualifying presorted carrier route pieces addressed to that 5-digit area.

(3) Residual pieces are not eligible for the carrier route presort level rate and must have postage paid at the appropriate bulk bound printed matter rate.

(4) Residual pieces must be physically separated from the pieces that qualify for the carrier route rate and must be prepared in accordance with 767.2 and 767.3.

c. Weight and size. Pieces must be identical in weight and size.

d. Listing Required. Mailers, must, at the time of mailing, provide the post office a listing indicating the number of qualifying and residual pieces mailed to each 5-digit ZIP Code area. After the first mailing, the postmaster may authorize the mailer to retain the records and submit them upon request by the postmaster. These records must be kept for a period of 90 days following the date of mailing, or until any pending action regarding the recalculation of postage is resolved to the satisfaction of the Postal Service (see 763.11e).

e. Current Scheme.

(1) *Proper Makeup.* Mailers are responsible for the proper makeup of mail to carrier routes according to the latest official postal scheme. Postage on mailings with more than a 5 percent error in the makeup to carrier routes in the 5-digit ZIP Code area will be recalculated at the appropriate bulk bound printed matter rate for all pieces delivered in that 5-digit ZIP Code area.

(2) *Obtaining Schemes.*

(a) Ordering CRIS Products. Mailers ordering any of the Carrier Route Information System (CRIS) products described in (b)–(f) may do so by sending a written request to the following address:

CRIS
Customer Fulfillment Request
National ZIP Code Data Center
Memphis, TN 38188–0008

(b) *CRIS Hardy Copy (Paper) Semiannual Updates and Monthly Scheme Changes.* Hard copy schemes are available only for specific 5-Digit or Specific 3-Digit ZIP Code areas. Hard copy form is not available from the Postal Service on a regional or national basis. In the written request, mailers must specify which specific 5-Digit or 3-Digit ZIP Code schemes are desired. Customers requesting updates to semiannual scheme information will be provided updates on a complete zone-by-zone basis each month.

(c) *CRIS Semiannual Updates and Monthly Scheme Microfiche Changes.* CRIS schemes for one or more postal regions or for the entire United States are available on microfiche (reduction rate of 59x) by sending a written request specifying which postal regions are desired. Customers requesting updates to semiannual scheme information will be provided entire new sets of fiche each month which will include all of the monthly updates.

(d) *CRIS Semiannual Updates and Monthly Scheme Tape Changes.* CRIS scheme information in machine sensible form on magnetic tapes is available for one or more postal regions, or for the entire United States. There are no monthly updates available for semiannual scheme tape information.

(e) *CRIS Semiannual Updates and Monthly Scheme Print Image Tape Changes.* CRIS scheme information in machine sensible (print image tape) form is available on loan for one more postal regions or for the entire United States to enable mailers to produce hard copy (paper) locally if needed. Customers requesting updates to semiannual scheme information will be provided updates on a complete zone-by-zone basis.

(f) *"Change Only" Information.* For all CRIS products, "change only" information is available as a separate product produced every month except July.

Note: In any CRIS National Scheme Tape or regional or national print image tape request, the mailer must specify which Postal Service regions are desired and which of the following magnetic tape characteristics are required:

—7 or 9 track
—800, 1,600 or 6,250 bits per inch
—ASCII or EBCDIC
—Header/Trailer Labels if desired

(g) *Other Methods.* Mailers may, under the provisions of 945.4, request a copy of the city scheme used by clerks for sorting mail. They may also request that the Postal Service sort address cards, plates or stencils by carrier routes. However, the mailer is responsible for sorting in accordance with the latest semiannual CRIS scheme provided in 763.11e(2)(a)–(f). The mailer is considered to have made a sorting error only if the mail was not sorted according to the latest CRIS scheme.

* * * * *

767 Preparation of Bound Printed Matter

767.1 Markings

.11 General. The words *Bound Printed Matter* must be incorporated as part of the permit indicia or be printed or rubber stamped above the address and to the left or below the permit indicia. Mailings under the bulk rates in 711.2 must also be marked *Bulk Rate* or *Blk. Rt.*

.12 Carrier Route Bound Printed Matter. All pieces which qualify for the carrier route rate in a carrier route bound printed matter mailng must be marked *Bound Printed Matter BLK RT* and *Carrier Route Presort* or *CAR-RT SORT* as follows:

a. When a permit imprint is used, the identifications *Bound Printed Matter BLK RT* and *Carrier Route Presort* or *CAR-RT SORT* must be part of the permit imprint or rubber stamped by the mailer above the address and immediately below or to the left of the permit imprint, except as provided in 767.12(d).

b. When a meter stamp is used, the identifications *Bound Printed Matter BLK RT* and *Carrier Route Presort* or *CAR-RT SORT* must be printed or rubber stamped by the mailer above the address and immediately below or to the left of the meter stamp, except as provided in 767.12(d).

c. The *Bound Printed Matter BLK RT* and *Carrier Route Presort* or *CAR-RT SORT* endorsements may be printed by a postage meter, special slug, ad plate, or other suitable means which will ensure a legible endorsement.

d. As an alternative to a, b, and c, above, the endorsement *Carrier Route Presort* or *CAR-RT SORT* may be located in the address area on either the line above the address or two lines above the address. (The preferred position is two lines above the address.)

e. If the *Carrier Route Presort* endorsement or its authorized abbreviation *CAR-RT SORT* is located in the address area, no other information may appear on the endorsement line except the route information.

* * * * *

767.8 Preparation Requirements for Carrier Route Bound Printed Matter Rate

.81 Packages

.811 Carrier Packages. When there are at least 10 pieces, or 20 pounds, or 1,000 cubic inches addressed to the same carrier route, rural route, post office box section, highway contract route, or general delivery unit, the mailer must prepare them in packages if the pieces will be sacked in carrier routes sacks. The mailer must use one of the following procedures to label the package:

a. The mailer may prepare packages with a facing slip which must be affixed to the front of the package and marked as shown below:

Line 1: City, State and 5-Digit ZIP Code of Address

Line 2: Carrier Route, Rural Route, Highway Contract Route, Post Office Box Section, or General Delivery Unit.

Line 3: Office of Mailing.

Sample:

SAN FRANCISCO CA 94133
RURAL ROUTE 12
BOSTON MA 021

b. Packages made up to individual carrier routes, rural routes, highway contract routes, post office box sections, or general delivery units may be prepared without facing slips when the following conditions are met:

(1) The carrier route information consisting of a descriptive prefix (or its abbreviation), plus a route number of numeric code, must be on the top line of the address, either alone (the preferred format) or with other information (addressee, account data, etc.). Alternatively, the carrier route information may appear with the *CARRIER ROUTE PRESORT* endorsement on the line above or two lines above the address when the *CARRIER ROUTE PRESORT* endorsement is located in the address area in accordance with 767.12d and e.

(2) The descriptive prefix *carrier route, rural route, highway contract route, post office box section,* or *general delivery unit* must either be spelled out (the preferred format) or abbreviated as follows:

Carrier Route	CR
Rural Route	RR
Highway Contract Route	HC
Post Office Box Section	B
General Delivery Unit	GD

(3) The descriptive prefix must be followed by a two-digit route number or three-digit post office box section number when the ZIP Code is included in the address. If the ZIP Code is omitted from the address, the descriptive prefix must be followed by numeric route code. This route code must consist of the last two digits of the ZIP Code followed by the two-digit carrier route number or three-digit post office box section number.

(4) The carrier route information must be right justified.

(5) The carrier route information must be preceded by at least two asterisks (**), or other distinctive nonalphabetic or non-numeric character. The following are examples of address formats:

**Carrier Route 11
Resident
1300 Waterford Drive
District Heights, MD 20747

Resident **CR 11
1300 Waterford Drive
District Heights, MD 20747

**CR 11
Resident
1300 Waterford Drive
District Heights, MD 20747

**Rural Route 05
Postal Customer
1602 Country Lane
Burke, VA 22015

Postal Customer **RR 1505

CAR-RT SORT **CR 11

Resident
1300 Waterford Drive
District Heights, MD 20747

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(6) At least 10 spaces must be allowed for carrier route information if it is included with other information on the top line.

.812 Residual Packages

Residual pieces to a single carrier route (less than 10 pieces, 20 pounds or 1,000 cubic inches) may be secured in packages and labeled with a Red Label D to facilitate handling. In addition, such residual carrier packages may also be labeled to carrier routes.

.82 Sacking

.821 Carrier Route Sacks. When there are 10 pieces, 20 pounds, or 1,000 cubic inches of qualifying carrier packages to the same carrier route, they may be placed in a carrier route sack. Each sack must be labeled in the following manner:

Line 1: City, State and 5-Digit ZIP Code Destination

Line 2: Contents and Carrier Route, Rural Route, Post Office Box Section, Highway Contract Route, or General Delivery Unit

Line 3: Office of Mailing.

Sample:

SAN FRANCISCO CA 94133
4C FLATS—CARRIER ROUTE 18
PORTLAND OR 972

.822 Carrier Routes Sacks. All qualifying carrier packages that are placed in carrier routes sacks must be labeled to a carrier route. Each sack must be labeled in the following manner:

Line 1: City, State and 5-Digit ZIP Code Destination

Line 2: Contents followed by the words *CARRIER ROUTES*

Line 3: Office of Mailing.

Sample:

SAN FRANCISCO CA 94133
4C FLATS—CARRIER ROUTES
BOSTON MA 021

* * * * *

CHAPTER 9.—SPECIAL SERVICES

910 Special Mail Service
911 Registered Mail

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.12 What May Be Registered. Only matter prepaid with postage at the First-Class rates may be registered. Stamps or meter stamps must be attached representing all postage and fee charges. Business reply mail may not be registered. The face of the registered article must be at least 5 inches long and 3½ inches high, regardless of thickness. Business reply envelopes may not be used for registered mail.

* * * * *

Value	Fees (in addition to postage)	
	For articles with Postal insurance	For articles without Postal insurance
	Column A	Column B
$0.00 to $100	$3.60	$3.55
$100.01 to $500	3.90	3.80
$500.01 to $1,000	4.25	4.15
$1,000.01 to $2,000	4.60	4.40
$2,000.01 to $3,000	4.95	4.65
$3,000.01 to $4,000	5.30	4.90
$4,000.01 to $5,000	5.65	5.15
$5,000.01 to $6,000	6.00	5.40
$6,000.01 to $7,000	6.35	5.65
$7,000.01 to $8,000	6.70	5.90
$8,000.01 to $9,000	7.05	6.15
$9,000.01 to $10,000	7.40	6.40
$10,000.01 to $11,000	7.75	6.65
$11,000.01 to $12,000	8.10	6.90
$12,000.01 to $13,000	8.45	7.15
$13,000.01 to $14,000	8.80	7.40
$14,000.01 to $15,000	9.15	7.65
$15,000.01 to $16,000	9.50	7.90
$16,000.01 to $17,000	9.85	8.15
$17,000.01 to $18,000	10.20	8.40
$18,000.01 to $19,000	10.55	8.65
$19,000.01 to $20,000	10.90	8.90
$20,000.01 to $21,000	11.25	9.15
$21,000.01 to $22,000	11.60	9.40
$22,000.01 to $23,000	11.95	9.65
$23,000.01 to $24,000	12.30	9.90
$24,000.01 to $25,000	12.65	10.15
$25,000 to $1,000,000	$12.65 plus handling charge of 25 cents per $1,000 or fraction over first $25,000.	$10.15 plus handling charge of 25 cents per $1,000 or fraction over first $25,000.
$1,000,000 to $15,000,000	$256.40 plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000.	$253.90 plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.	

ADDITIONAL SERVICES

	Extra fee
COD COLLECTION CHARGE (Maximum amount collectible is $500)	$1.50
RESTRICTED DELIVERY	$1.25
RETURN RECEIPTS:	
Requested at time of mailing:	
Showing to whom and date delivered	$0.70
Showing to whom, when and address where delivered	$0.90
Requested after mailing:	
Showing to whom and date delivered	$4.50

Exhibit 911.21—Registry Fees

912 Certified Mail

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912.2 What May Be Certified. Only mailable matter on which postage at the first-class rate has been paid will be accepted as certified mail. This does not exclude articles of a nonnegotiable character and similar matter which would involve a cost of duplication if lost or destroyed. Special delivery services are available on payment of the prescribed fees. Special delivery services may be provided without prepayment of postage and fees on official mail sent by Federal Government agencies and departments under the provisions of 137.

912.3 Fees. The fees for certified mail are:

Fee in addition to postage	$.75
Restricted delivery	1.25
Return receipts	
Requested at the time of mailing:	
Showing to whom and date delivered	.70
Showing to whom, date, and address where delivered	.90
Requested after mailing:	
Showing to whom and date delivered	$4.50

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913 Insured Mail

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913.2 Fees and Liability

.21 Fees (In Addition to Postage). The fees for insuring mail are:

Liability	Fee
$0.01 to $25	$0.50
25.01 to 50	1.10
50.01 to 100	1.40
100.01 to 150	1.80
150.01 to 200	2.10
200.01 to 300	3.00
300.01 to 400	3.70
400.01 to 500	4.40
Liability for insured mail is limited to $500.	

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913.4 Mailing

.43 Individual Receipts for Mailing. Mailers are issued a receipt for each insured parcel mailed on one of the following forms:

a. Form 3813, *Receipt for Domestic Insured Parcel,* when the package is insured for $25 or less.

b. Form 3813–P, *Receipt for Insured Mail Domestic-International,* when the package is insured for more than $25.

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914 Collect On Delivery Mail

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.13 Conditions.

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.132 The amount collected from the addressee must not exceed $500.

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914.2 Fees

.21 In Addition To Postage. Collect on delivery fees are:

Amount to be collected, or insurance coverage desired	COD fees
$0.01 to $25	$1.50
$25.01 to $50	1.80
$50.01 to $100	2.10
$100.01 to $200	2.40
$200.01 to $300	3.00
$300.01 to $400	3.70
$400.01 to $500	4.70
Restricted delivery	1.25
Notice of nondelivery	1.25
Alteration of COD charges or designation of addressee	1.25
Registered COD	1.50

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914.5 Delivery

.51 Procedure

a. COD mail for delivery by carrier may be taken out on the first trip after it is received, unless the addressee has asked the postmaster to hold his mail at the post office. COD mail not restricted in delivery will be delivered to the addressee or his authorized representative. Restricted delivery may be obtained as set forth in 933 and by payment of additional fees as provided in 933.2. For circumstances under which restricted delivery may be made by delivery to a person other than the addressee see 933.4. Delivery rules are the same as for registered mail (see 911.4).

b. If one of the following two conditions are met, the local postmaster may restrict carrier delivery of a COD article or articles.

(1) The amount of cash to be collected from the transaction or transactions makes the carrier a much more likely target for theft and thereby significantly increases the chances of physical injury, or

(2) Based upon actual delivery experiences at the address, it is unlikely the addressee will be available to receive the article at delivery.

Note: In either instance, the local postmaster has the option of having the carrier deliver a notice Form 3849A or 3849B that a COD article has arrived at the post office instead of having the carrier attempt to deliver the article. The notice must be delivered on the first carrier trip after the article is received at the post office. The total amount due must be indicated in the appropriate part of the form itself.

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.53 Delivery

.531 At Offices With Carrier Delivery. Deliver COD mail as follows:

a. Send carrier delivery mail on the first trip after receipt, and offer it to the addressee or some person who can receive it for him. For exception see 914.51b. [*Remainder of 914.531 is unchanged.*]

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915 Special Delivery

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915.4 Payment

.41 Fees. The special delivery fees are:

Class of Mail	Weight		
	2 pounds and under	10 pounds and less, but over 2 pounds	Over 10 pounds
First-Class (including priority)	$2.95	$3.15	$4.00
All others	$3.10	$3.60	$4.50

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916 Special Handling

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916.2 Fees. The fees for special handling are:

Weight	Fee
10 pounds and less	$1.10
More than 10 pounds	1.60

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917 Business Reply Mail (BRM)

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917.3 Postage and Fees

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.33 Fees:

BRM Annual permit and renewal fee, $50.00
BRM Accounting fee, $160.00

.34 Payment of Postage and Fees.

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.342 Cash or Postage Due Account.

Payment may be paid in cash or through a regular postage due account as follows:

a. Amount Collected. The amount to be collected for cash or use of regular postage due account transactions is the appropriate first-class postage, plus a charge of 23 cents per piece.

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.343 Business Reply Account. A business reply account must only be used for payment of postage and fees on BRM as follows:

a. Amount Collected. The amount to be collected for business reply account transactions is the appropriate first-class postage, plus a charge of 7 cents per piece.

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919 Merchandise Return

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919.3 Postage and Fees

.31 Annual Fee. An annual fee of $50 will be charged each calendar year for each permit issued.

.32 Transaction Fee. The fee for each merchandise return service transaction is 30 cents per parcel. This fee is in addition to applicable postage and any insurance fee.

930 Supplemental Mail Services

931 Certificates of Mailing

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931.2 Fees

.21 General

a. Basic Fee. The fee for certificates of mailing for all classes of mail is 45 cents per article whether these are listed individually on Form 3817, *Certificate of Mailing,* or on firm mailing bills. Additional copies of either Form 3817 or firm mailing bills are available for 45 cents per page.

b. Firm Mailing Books. Form 3877, *Firm Mailing Book,* or forms printed at the mailer's expense may be used for certificates for three or more pieces of mail of any class presented at one time. If mailer printed forms are used instead of Form 3877, these forms must contain, as a minimum, the same information as Form 3877. The fee is 15 cents per article listed.

.22 Bulk Pieces

Identical pieces of First- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps, or meter stamps are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	$1.60
For each additional 1,000 pieces, fraction	20¢
Duplicate Copy	45¢

932 Return Receipts

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932.2 Fees (In Addition to Postage and Other Fees). The fees for return receipts are:

Requested at time of mailing:	
Showing to whom (signature) and date delivered	70¢
Showing to whom (signature), date, and address where delivered	90¢
Requested after mailing:	
Showing to whom and date delivered	$4.50

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933 Restricted Delivery

933.1 Purpose. Restricted delivery is a service by which a mailer may direct that delivery be made only to the addressee or to an agent of the addressee who has been specifically authorized in writing by the addressee to receive his mail. This service is available only for articles addressed to natural persons specified by name. Restricted delivery may be obtained for mail which is COD, insured for more than $25, registered, or certified. Mail marked *Restricted Delivery* will be delivered only to the addressee or to his authorized agent.

933.2 Fee (In Addition to Postage and Other Fees). Restricted delivery, $1.25.

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940 Nonmail Services

941 Money Orders

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941.1 Issuance

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.12 Amounts, Fees, and Payments

.121 Amounts. The maximum amount for a single money order is $700. There is no limitation on the number of orders that may be purchased at one time. *Exception:* The Postal Service may impose temporary restrictions.

.122 Fees

a. The fee for a postal military money order is 25 cents. They are issued by military facilities authorized by the Department of Defense.

b. Fees for domestic money orders issued at other post offices including those with branches or stations on military installations are as follows:

Amount of Money Order	Amount of fee
	Domestic
$0.01 to $25	$0.75
$25.01 to $700	$1.00

941.5 Request for a Photocopy of Paid Money Orders. A photocopy of a paid money order will be furnished to the purchaser, payee or endorsee by the Money Order Division, Postal Data Center, St. Louis, Missouri 63180–9400, upon payment of a charge of $1.40. Form 6401, *Domestic Money Order Inquiry,* must be completed by the person requesting the photocopy to show the name and address of the person or firm applying for the photocopy. The photocopy will be mailed directly to the applicant. Photocopies cannot be furnished more than two years after payment because money orders are destroyed at that time.

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945 Mailing List Service

945.1 Correction of Mailing Lists

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.15 Charges

.151 The minimum charge for each list corrected is $1.00. For a list of more than 7 names or addresses, the charge is 15 cents per name or street address, including individual apartments. Where rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

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945.2 Furnishing Address Changes to Election Boards and Registration Commissions. Residential change-of-address information is available to duly constituted election boards or registration commissions using permanent registration at a cost of 15 cents for each change-of-address Form 3575, *Change of Address Order.* An election board or registration commission desiring this information must submit to the postmaster a written request signed by an authorized official. The postmaster will send the request to the Regional Postmaster General for approval. On approval, the postmaster will receive necessary instructions from the Regional Postmaster General for release, control, and return of change-of-address Form 3575.

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945.3 Address Cards Arranged in Sequence of Carrier Delivery

.33 Sequencing of Address Cards. Postal employees will arrange unsequenced address cards in sequence of carrier route delivery without charge. Cards with incorrect or undeliverable addresses will be removed from the list, bundled separately, and returned to the customer. A charge of 15 cents is assessed for each card with an incorrect or undeliverable address which is removed from the mailer's list. The local post office performing the service will return the cards and the bill for any applicable charges (the Delivery Unit Summary, see 945.32g) to the customer within 15 working days after receipt of a properly prepared request for address sequencing. Exception: The 15-working day time limit will not apply to mailing lists received for sequencing between November 16 and January 1. Mailing lists received between these dates will be sequenced at the convenience of post offices, but as early as possible.

.34 Sequencing of Address Cards with Total Possible Deliveries Shown. Postal employees will arrange unsequenced address cards in sequence of carrier route delivery without charge. Cards with incorrect or undeliverable addresses will be removed from the list, bundled separately, and returned to the customer. A charge of 15 cents is assessed for each card with an incorrect or undeliverable address which is removed from the mailer's list. In addition, postal employees will insert a blank card for each existing address that is not included in the customer's address cards. If several addresses in a series are missing, a single blank card will be inserted for the series showing the number of missing addresses. No charge is assessed for inclusion of blank cards. The local post office performing the service will return the cards and the bill for any applicable charges (the Delivery Unit Summary, see 945.32g.) to the customer within 15 working days after receipt of a properly prepared request for address sequencing, except for cards received between November 16 and January 1, as noted in 945.33.

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.37 Charges

.371 Sequencing of Address Cards (945.33). A charge of 15 cents is assessed for each address card included in the mailer's submitted list which is undeliverable-as-addressed or nonexistent. The cards will be removed from the deck of cards, bundled separately, and returned to the mailer. The original copy of the Delivery Unit Summary will be returned to the mailer after completion by Postal Service personnel and will serve as the mailer's bill. Mailers must submit payment for the amount due shown on the Delivery Unit Summary to the local post office. When rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contained only names of persons residing on the route or routes involved.

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.373 Sequencing of Address Cards with Missing or New Addresses Added (945.35). In addition to the charges assessed in 945.371, a charge of 15 cents is assessed for each address (possible delivery), which is added to the mailer's list. For apartment or office buildings with a series of addresses for which the Postal Service provides a range of addresses, the charge is 15 cents for each address (possible delivery) in the range or series. The original copy of the Delivery Unit Summary will be returned to the mailer after completion by Postal Service personnel and will serve as the mailer's bill. Mailers must submit payment for the amount due shown on the Delivery Unit Summary to the local post office.

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945.5 Coding Mailing Lists

.51 Unique 5-digit ZIP Code Offices. It is the mailer's responsibility to code mailing lists by ZIP Code for the unique 5-digit ZIP Code post offices and the multi 5-digit ZIP Code post offices listed in Publication 65, *National Five-Digit Post Office and ZIP Code Directory.*

.52 Multi 5-digit ZIP Code Post Offices. Under the following conditions, post offices will sort mailing lists consisting of addresses for the multi 5-digit ZIP Code post offices listed in Publication 65 according to 5-digit ZIP Code delivery units at a charge of $36.00 per thousand addresses or fraction thereof, payable to the local postmaster upon submission of the list: [*Remainder of 945.52 is unchanged.*]

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950 Alternate Delivery Services

951 Post Office Box (P O Box) Service

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951.2 Rental Fees

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.26 Fee Schedule

.261 Rental fees are:

Group	Box Size				
	1	2	3	4	5
	Per semi-annual period				
1	$11.00	$14.50	$26.50	$42.00	$64.00
2	2.50	3.50	6.50	10.00	15.00
	Per annual period				
3	2.00	2.00	2.00	2.00	2.00

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[FR Doc. 85-1598 Filed 1-18-85; 8:45 am]
BILLING CODE 7710-12-C

952 Caller Service

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952.2 Fees

.21 Reserved Number Fee. The fee for each number reserved by a customer for future use is $15 per postal fiscal year or any part of such fiscal year.

.22 Caller Service Fees

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.222 Basic Caller Service Fee

a. General Rule. The basic fee for caller service is $130.00 for a semi-annual period to be applied to each caller number or separation used.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2760-7]

Approval and Promulgation of Implementation Plans; Guam Ambient Air Quality Surveillance Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: Today's notice takes final action to approve the air quality surveillance network plan submitted by the Guam Environmental Protection Agency as a revision to the Guam State Implementation Plan. The regulations address the requirements for Ambient Air Quality Surveillance. These revisions generally are administrative and retain the previous emission control requirements. EPA has reviewed this revision and determined that it is consistent with the requirements of the Clean Air Act and EPA policy.

DATE: This action is effective March 25, 1985.

ADDRESSES: A copy of the revisions is available for public inspection during normal business hours at the EPA Region 9 office and at the following locations.

Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street, SW., Washington, D.C. 20460

Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20460

Guam Environmental Protection Agency, Government of Guam, P.O. Box 2999, Agana, Guam 96910

FOR FURTHER INFORMATION CONTACT: Thomas Rarick, Chief, State Implementation Plan Section, A-2-3, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7641 FTS: 454-7641.

SUPPLEMENTARY INFORMATION:

Background

Section 319 of the Clean Air Act, as amended, requires the EPA to establish monitoring criteria to be followed uniformly across the nation. Pursuant to this requirement and the recommendations of the Standing Air Monitoring Work Group (SAMWG), EPA on May 10, 1979 (44 FR 27558), promulgated rules and regulations for Ambient Air Quality Monitoring Data Reporting, and Surveillance Provisions (See 40 CFR Part 58).

The Guam EPA submitted "Section X. Air Quality Surveillance Network," on May 22, 1984, to the EPA to provide for modification of the existing air quality surveillance network. EPA has reviewed the submittal and determined that it meets the requirements of sections 110(a)(2)(C), 319, 313, and 127 of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 58. The complete requirements for an air quality surveillance plan are outlined in 40 CFR 58.20.

Evaluation

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, EPA is required to approve or disapprove these regulations as SIP revisions. All rules submitted have been evaluated and found to be in accordance with the Clean Air Act, EPA policy and 40 CFR Part 51. EPA's detailed evaluation of the submitted rules is available at the locations indicated in the **ADDRESSES** section of this notice.

EPA Action

This notice approves the revisions listed above and incorporates them into the Guam SIP. This is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse comments, the approval will be withdrawn and a subsequent notice will be published. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Regulatory Process

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Incorporation by reference of the State Implementation Plan for the Guam EPA was approved by the Director of the Federal Register on July 1, 1982.

Authority: Sec. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. § 7410, 7502 and 7601(a)).

List of Subject in 40 CFR Part 52

Intergovernmental relations, Air Pollution Control Agency, Incorporation by reference, Sulfur oxides, Particulate matter.

Dated: January 15, 1985.

Lee M. Thomas,

Acting Administrator.

PART 52—[AMENDED]

Subpart AAA of Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AAA—Guam

1. Section 52.2670 paragraph (c) is amended by adding subparagraph (5) to read as follows:

§ 52.2670 Identification of plan.

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(c) * * *

(5) Amendments to the Guam Air Pollution Standards and Regulations submitted on May 22, 1984.

(i) Section X. Air Quality Surveillance Network.

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[FR Doc. 85-1584 Filed 1-18-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-4-FRL-2759-6]

Tennessee; Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination on Tennessee's Application for Final Authorization.

SUMMARY: Tennessee has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Tennessee's application and has reached a final determination that Tennessee's Hazardous Waste Program satisfies all of the requirements necessary for Final Authorization. Thus, EPA is granting Final Authorization to the State to operate its program.

EFFECTIVE DATE: Final Authorization for Tennessee, for purposes of judicial review, shall be effective at 1:00 p.m. Eastern time February 5, 1985.

FOR FURTHER INFORMATION CONTACT: Allan E. Antley (404) 881-4727 Chief, Waste Planning Section, Residuals Management Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365.

SUPPLEMENTARY INFORMATION: Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows the Environmental Protection Agency (EPA) to authorize state hazardous waste management programs to operate in the state in lieu of the Federal program. To qualify for Final Authorization, a state's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other state programs, and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On July 31, 1984, Tennessee submitted a complete application to obtain Final Authorization to administer a RCRA program. On November 2, 1984, EPA published a Tentative Decision announcing its intent to grant Tennessee Final Authorization (49 *FR* 44112). The granting of Final Authorization to Tennessee is contingent on EPA providing direct assistance to the State in the permitting effort which will be extensive during FY–85 and FY–86.

Along with the tentative determination, EPA announced the availability of the State's application for public review and comment and the date of a public hearing on the application. The public hearing was not held as scheduled on December 3, 1984, since neither EPA nor the Tennessee Department of Health and Environment received significant interest in holding the hearing. No comments were received from the public.

Tennessee is not authorized by the Federal Government to operate the RCRA program on Indian Lands and this authority will remain with EPA.

Decision

It is my conclusion that Tennessee's application for Final Authorization meets all of the regulatory and statutory requirements established by RCRA.

Accordingly, Tennessee is granted final authorization to operate its hazardous waste management program. Subject to the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984), Tennessee now has responsibility for permitting treatment, storage and disposal facilities within its border and for carrying out all other aspects of the RCRA program. Tennessee also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA. Prior to the Hazardous and Solid Waste Amendments (HSWA) amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. EPA's regulations no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. Now, however, under section 3006(g) of RCRA, 42 U.S.C. 6226(g), the new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Tennessee. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. EPA will administer and enforce the prohibitions and requirements of the HSWA in Tennessee until Tennessee receives authorization to do so. Among other things, this will entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision. Until that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

HSWA-related requirements and prohibitions that are more stringent than the State's program apply in Tennessee. Any State requirement that is more stringent than an HSWA provision also remains in effect; thus, the universe of the more stringent provisions in the authorized State program and the HSWA define the applicable requirements in Tennessee. (Tennessee is not being authorized now for any requirement implementing the HSWA.)

EPA will be publishing a Federal Register notice that explains in detail the HSWA and its effect on authorized States. That notice should be referred to for further information.

Region IV and Tennessee are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA provides that Tennessee shall administer the RCRA program in lieu of EPA and that EPA shall not issue permits in the State. Thus, it is inconsistent with the HSWA and will be revised to reflect EPA's and Tennessee's respective responsibilities under the new Federal/State regulatory scheme. (Because of the strict statutory time clock for processing final authorization applications, the State and EPA did not have ample time to revise the MOA before EPA's final approval of the State's application.)

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this Final Authorization from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Tennessee's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b), and EPA delegation 8–7.

Thomas Devine,

Acting Regional Administrator.

[FR Doc. 85–1581 Filed 1–18–85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 271

[A–7–FRL–2760–2]

Hazardous Waste Management Program; Extension of Application Deadline for Final Authorization

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of phase I interim authorization for Missouri.

SUMMARY: EPA previously granted an extension of interim authorization to January 26, 1985 for the State of Missouri. This State recently requested a further extension of interim authorization beyond the January 26, 1985 deadline. This extension would allow for continuation of Missouri's

interim authorization under the Resource Conservation and Recovery Act (RCRA), as amended. EPA is granting the requested extension to avoid the reversion, on January 26, 1985, of interim authorization. This notice extends Missouri's Phase I interim authorization until January 31, 1986, or until the date the State receives final authorization, whichever is earlier.

EFFECTIVE DATE: January 22, 1985.

FOR FURTHER INFORMATION CONTACT: Michael Sanderson, Air and Waste Compliance Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, 816–374–5082.

SUPPLEMENTARY INFORMATION:

Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. Two types of authorization may be granted. The first type, known as "interim authorization" is a temporary authorization which is granted if EPA determines that the State program is "substantially equivalent" to the Federal program (Section 3006(c), 42 U.S.C. 6226(c)). EPA's implementing regulations at 40 CFR 271.121–271.137 established a phased approach to interim authorization: Phase I, covering the EPA regulations in 40 CFR Parts 260, 263, and 265 (universe of hazardous wastes, generator standards, transporter standards and standards for interim status facilities) and Phase II, covering the EPA regulations in 40 CFR Parts 124, 264 and 270 (procedures and standards for permitting hazardous waste management facilities).

Phase II, in turn, has three components. Phase II A covers general permitting procedures and technical standards for containers and tanks, and, in certain instances (see Missouri section below for discussion), for surface impoundments and waste piles as well. Phase II B covers incinerator facilities, and Phase II C addresses landfills and land treatment facilities.

The second type of authorization is a "final" (permanent) authorization that is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the Federal program, (2) is "consistent" with the Federal program and other State programs, and (3) provides for adequate enforcement (Section 3006(b), 42 U.S.C. 6226(b)). States need not have obtained interim authorization in order to qualify for final authorization. EPA regulations for final authorization appear at 40 CFR 271.1–271.23.

40 CFR 271.122(c)(4) requires States which have received any, but not all, phases/components of interim authorization to have amended their original submissions by July 26, 1983 to include all components of Phase II. (See 47 FR 32377, July 26, 1982.) Further, 40 CFR 271.137 (a) provides that interim authorization automatically terminated (reverted) on July 26, 1983 unless the State had submitted an application for all phases/components of interim authorization by that date. (See 47 FR 32377, July 26, 1982.) Where the authorization (approval) of the State program reverts, EPA is to administer and enforce the Federal program in the State.

However, 40 CFR 271.137(a) also allowed the Regional Administrator to extend the July 26, 1983 deadline for good cause so that the State program would not revert to EPA. A Regional Administrator could not, however, extend the deadline past January 26, 1985, as 40 CFR 271.122(b) provides that interim authorization of a State's hazardous waste program ends 24 months from the effective date of the last component of Phase II. The last component of the Phase II regulations was published on July 26, 1982. It became effective on January 26, 1983; thus, interim authorization was to end to January 26, 1985. (See 47 FR 32378, July 26, 1982.)

The Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, Nov. 8, 1984), amended Section 3006(c) to allow interim authorization to extend to January 31, 1986. Therefore, the Regional Administrator has authority to extend a State's interim authorization to January 31, 1986 in appropriate cases.

Missouri received Phase I interim authorization on November 7, 1983. The State chose to apply for final authorization in lieu of additional increments of interim authorization. EPA granted Missouri's request for an extension of interim authorization until January 26, 1985 because the State had made a good faith effort to pursue regulatory and statutory amendments necessary to secure final authorization. This effort constitutes "good cause" for extending the State's deadline for submission of their application for final authorization. (See 49 FR 33018, August 20, 1984.) The State then expected to submit its application in July 1984; however, the State subsequently encountered significant delays in adopting the necessary changes in the hazardous waste statutes due to a failure of the legislature to enact the bill before the session ended. Missouri now intends to submit its official application in July 1985 after submitting a draft application in March 1985. Missouri expects to receive authorization by January 31, 1986.

Decision

In consideration of the above schedule and the State's continued good faith efforts to adopt hazardous waste programs necessary to obtain final authorization, the immediate reversion of these State programs because of their failure to meet the January 26, 1985 deadline is not in the best interest of Missouri, this Agency, the regulated community, or the citizens of Missouri. I have found good cause to extend the deadline for the final determination on the final authorization application for Missouri, until January 31, 1986. After that, responsibility for implementing RCRA reverts to Federal control if they have not received final authorization for Phase I and II.

Executive Order 12291

The Office of Management and Budget (OMB) has exempted this rule from the requirements of Section 3, Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this extension will not have a significant economic impact on a substantial number of small entities. The extension effectively suspends the applicability of certain Federal regulations in favor of the State's programs, thereby eliminating duplicative requirements for handlers of hazardous waste in Missouri. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974.

Dated: January 15, 1985.

William Rice,

Acting Regional Administrator.

[FR Doc. 85-1580 Filed 1-18-85; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 50, No. 14
Tuesday, January 22, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-115-AD]

Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an amendment to an existing airworthiness directive (AD) applicable to British Aerospace Model BAC 1-11 200 and 400 series airplanes which requires inspection of a certain area of the lower fuselage skin for cracks or corrosion. FAA believes the inspection requirement is uneccessary and would impose no additional regulatory or economic burden on any person. This action would delete the requirement for removal of the long range fuel tanks or water injection tanks during this inspection.

DATES: Comments must be received no later than March 11, 1985.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Librarian, Box 12414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

Submit comments to FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch; telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in Rule Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rule Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Nowthwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 84-NM-115-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The FAA issued AD 83-24-10, Amendment 39-4780 (48 FR 55108), on December 9, 1983, which requires inspection of the lower fuselage skin in the area covered by the forward and rear underwing fairings for cracks or corrosion, and repair, as necessary. The Manufacturer, British Aerospace, had submitted substantive comments to the NPRM preceding AD 83-24-10; however, those comments were inadvertently misdirected and did not reach the docket for consideration during the writing of the final rule. In those comments, the manufacturer did not agree with paragraph B. of the NPRM, which required removal of fuel tank on certain airplanes before performing the inspections. The pertient service bulletin, British Aerospace Service Bulletin 53-A-PM5632, does not require this step and the United Kingdom Civil Aviation Authority (CAA) does not consider removal of these tanks necessary. The manufacturer pointed out that external inspection of the fuselage skin will detect indication of corrosion before cracks are likely to occur. Further, the manufacturer stated that the opertor's maintenance program requires removal of the fuel tanks and/or water injection tanks for internal inspections every eight years. Finally, the manufacturer indicated that removing these tanks every three years would significantly increase the economic burden on the operators without an equivalent improvement in safety. The FAA agrees with these comments and hereby proposes to revise paragraph B. of the AD accordingly.

This airplne model is manufactured in the United Kingdom and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

This amendment would delete an inspection requirement that has been determined to be unnecessary and would impose no additional regulatory or conomic burden on any person.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, British Aerospace Model BAC 1-11 airplanes are operated by small entities. A copy of a draft regulatory evaluation has been prepared for this action and has been placed in the regulatory docket. A copy may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by revising

Paragraph B. of Amendment 39–4780 (48 FR 55108, December 9, 1983), AD 83–24–10, to read as follows:

"B. On airplanes having long range fuel tanks or water injection tanks installed, accomplish the instructions of paragraph 2.1.3 of the service bulletin."

(Sec. 313(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85)

Issued in Seattle, Washington, on January 10, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–1542 Filed 1–18–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 84–ASO–6]

Proposed Revocation of Control Zone; Moultrie, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws a proposal published in the **Federal Register** on August 7, 1984 (49 FR 31434), to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71). The proposed amendment would have revoked the Moultrie, Georgia, control zone due to lack of adequate weather reporting service. Subsequent to the publication of the Notice of Proposed Rulemaking, the airline serving the airport has, in a satisfactory manner, resumed weather reporting. As a result, the FAA has determined that the proposed revocation is no longer feasible or necessary.

DATE: Withdrawal effective January 22, 1985.

FOR FURTHER INFORMATION CONTACT: Ronald T. Niklasson, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Withdrawal of the Proposal

Pursuant to the authority delegated to me, effective [January 22, 1985] the proposal to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as described in Airspace Docket No. 84–ASO–6, and published in the **Federal Register** on Tuesday, August 7, 1984 (49 FR 31434), is hereby withdrawn.

Issued in East Point, Georgia, on January 9, 1985.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 85–1548 Filed 1–18–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 84–ACE–12]

Proposed Alteration of Transition Area, Kennett, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Kennett, Missouri, to provide additional controlled air space for aircraft executing a new instrument approach procedure to the Kennett Memorial Airport, Kennett, Missouri, utilizing the Kennett Non-Directional Radio Beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before February 23, 1985.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–540, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Discussion

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations [14 CFR 71.181] by altering the 700-foot transition area at Kennett, Missouri. To enhance airport usage, an additional instrument approach procedure to the Kennett Memorial Airport is being established utilizing the Kennett NDB as a navigational aid. The establishment of this new instrument approach procedure, based on this navigational aid, entails alteration of the transition area at Kennett, Missouri at and above 700 feet above ground level within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

Kennett, Missouri

That airspace extending upward from 700 feet above the surface within a 7 mile radius of Kennett Memorial Airport (latitude 36°13'50" N, longitude 90°02'05" W); and within 3 miles either side of the 360° bearing from Kennett NDB (latitude 36°13'44" N, longitude 90°02'10" W), extending from the 7 mile radius to 8.5 miles north to the NDB.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and § 11.65 of the Federal Aviation Regulations (14 CFR 11.65)).

Issued in Kansas City, Missouri, on January 9, 1985.

Murray E. Smith,

Director, Central Region.

[FR Doc. 85-1539 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-ANE-31]

Amend the Description of the Lebanon, New Hampshire Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to amend the Lebanon, New Hampshire 700 foot Transition Area so as to provide protected airspace for aircraft utilizing the proposed Very High Frequency Omni Range (VOR) Runway (RWY) 35 Amd. 7.1 no procedure turn transition from Lebanon VOR to the E.F. Knapp State Airport at Barre-Montpelier, Vermont.

DATE: Comments must be received on or before March 1, 1985.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 84-ANE-31.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

An informal docket may also be examined during normal business hours in the: Air Traffic Division, ANE-500 Room 304, 12 New England Executive Park, Burlington, MA 01803.

FOR FURTHER INFORMATION CONTACT: David Hurley, Operations, Procedures and Airspace, ANE-530, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts; telephone (617) 273-7141.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-ANE-31." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, ANE-7, 12 New England Executive Park, Burlington, Massachusetts 01803, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8085.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Lebanon, New Hampshire 700 Foot Transition Area.

Section 171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in CFR Part 71

Aviation safety, Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Lebanon, New Hampshire Transition Area [Amended]

Line 10 after "Lebanon Airport" insert: "and within 5 miles each side of the Lebanon VOR Lat. 43°40'07" N., Long. 72°13'00" W., 360° (MAG), 344° (TRUE) radial extending from the 19.5 mile radius circle to 22 miles north of the Lebanon VOR excluding the 700 foot Montpelier, Vermont Transtion Area".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g), (Revised, Pub. L. 97-449, January 12, 1983; January 12, 1983)); and 14 CFR 11.65)

Issued in Burlington, Massachusetts, on January 8, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 85-1547 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 84-AWA-30]

Proposed Restricted Areas, Lompac and Santa Maria, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance Notice of proposed rulemaking (ANPRM) and notice of meeting.

SUMMARY: This notice proposes to establish restricted airspace over Lompoc, CA, and Santa Maria, CA, within which space shuttle vehicle training operations would be conducted. These training operations, because of a limitation on the ability to see and avoid other aircraft, may create an unsafe environment for themselves and other aircraft if conducted in a nonsegregated environment. This notice also announces the date, time, and location of an informal airspace meeting which will be held in conjunction with this proposal.

DATES: Comments must be received on or before March 8, 1985 A meeting will be held on March 5, 1985 from 7:00 p.m. to 11:00 p.m.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 84-AWA-30, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The meeting will be held in the City Council Chambers, 1100 Civic Center Plaza, Lompoc, California 73436.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: William C. Davis, Airspace and Air Traffic Rules Branch (ATO-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in tripilicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-AWA-30". The postcard will be date/time stamped and retured to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

In addition to seeking written comments on this proposal, the FAA will hold an informal airspace meeting in Lompoc, CA, on March 5, 1985, to receive additional input with respect to the proposal.

Meeting Procedures

Persons who plan to attend the meeting should be aware of the following procedures to be followed:

(a) The meeting will be informal in nature and will be conducted by the designated representative of the Administrator. Each participant will be given an opportunity to make a presentation.

(b) The meeting will begin at 7:00 p.m. (local time). There will be no admission fee or other charge to attend and participate. The meeting will be open to all persons on a space available basis. The FAA representative may accelerate the meeting agenda to enable early adjournment if the progress of the meeting is more expeditious than planned.

(c) The meeting will not be recorded. A copy of a summary to the meeting will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meeting may be accepted at the discretion of the FAA representative. Participants submitting handout materials must present an original and two copies to the presiding officer for approval before distribution. If approved by the presiding officer, there should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the meeting should not be taken as expressing a final FAA position.

Public Meeting Schedule

The schedule for the meeting is as follows:

Date: March 5, 1985; 7:00 p.m. to 11:00 p.m.

Place: City Council Chambers, 1100 Civic Center Plaza, Lompoc, CA 73436.

Agenda:

7:00 p.m. to 7:15 p.m.: Presentation of Meeting Procedures

7:15 p.m. to 7:30 p.m.: FAA Presentation of Proposal

7:30 p.m. to 11:00 p.m.: Public Presentations and Discussion

The Proposed Airspace Designations

Part 73 of the Federal Aviation Regulations (FAR) designates certain airspace as "special use airspace" in which aircraft operations may be restricted or prohibited because of the nature of the activities being conducted within that airspace, icluding activities on the surface of the earth. The FAA is considering amending Part 73 of the FAR's to establish new restricted areas in the vicinity of Santa Maria, CA, and Lompoc, CA, to contain certain training activity associated with space vehicle recovery operations at Vandenburg AFB, CA. Subpart C of Part 73 was republished in Handbook 7400.6 dated January 3, 1984. A copy is on file in the public docket.

The proposed establishment of restricted airspace in the vicinity of these locations represents an FAA response to a NASA request to enhance the protection of its aircraft and crews conducting vital training activity necessary for astronauts to become proficient in space vehicle recovery operations. NASA believes these aircraft operations in this airspace should be segregrated to the extent specified in the proposal and that nonparticipating aircraft operations would not be authorized in the airspace

unless the operation is specifically authorized by NASA.

Availability of ANPRM's

Any person may obtain a copy of this Advance Notice of Proposed Rulemaking (ANPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this ANPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

List of Subjects in 14 CFR Part 73

Restricted areas, aviation safety.

Economic Questions

An important consideration in the FAA regulatory process is the examination of the benefits and costs of rulemaking actions. Agencies of the Federal Government are required by Executive Order 12291 to adopt only those regulatory programs in which the potential benefits to society outweigh the potential costs to society.

Any regulatory proposal FAA might make will be accompanied by a full evaluation which will quantify, to the extent possible, the benefits and costs of such a proposal. Therefore, it is essential that comments for or against the proposal discussed here are accompanied by statements of the economic impacts perceived by the commenter.

FAA specifically solicits comments from individuals, corporate entities and organizations on the economic impacts of the proposed regulations. In particular, the FAA is concerned about the "differential cost" associated with proposed regulations. By "'differential cost" FAA means the difference between complying with the proposed regulations, and the cost of complying with current regulations or standard practices. For example, what is the differential cost for an aircraft operator to fly "over the top" or circumnavigate the proposed restricted airspace compared to the normal operating practices of aircraft operations in that airspace?

With this in mind, the FAA invites commenters to address several additional issues:

1. What are the benefits associated with restricting operations in the proposed restricted airspace over the Lompoc, CA, Airport to accommodate a training activity associated with space vehicle recovery operations.

2. What are the "differential cost" to rotorcraft operators associated with eliminating operation of rotorcraft in the proposed restricted airspace areas (i.e., circumnavigation costs, impacts on rotorcraft-related businesses)?

3. What are the cost impacts on the aviation public, particularly helicopters, with regard to:

a. Revision, elimination, or use limitation of instrument departure procedures at Lompoc?

b. The realignment of low altitude airways near or penetrating the proposed restricted areas?

c. The realignment of the Lompoc airport traffic patterns?

d. The impact of the proposed rule on public use airports that lie nearby the proposed restricted areas?

4. Is the proposed rule believed to have a significant deterimental or beneficial economic impact on small businesses, nonprofit organizations or governmental jurisdictions? If so, what are the types and sizes of the entities affected? Also, what is the nature and magnitude of the detrimental or beneficial economic impact?

Responses to these questions should fully address the nature of the impact, the site-specific location of impact, and the groups or types of operators, businesses or entities that are impacted. Commenters should describe and quantify the specific benefits and costs supported by factual data to the extent possible, or explain why costs are not quantifiable. Commenters should also provide the rationale for their opinions, which might include information pertaining to frequency of flight in the area, number of miles and minutes to avoid the area, type of operation and typical aviation practices. The FAA will examine separately the costs imposed on the Federal Government (e.g. impact on military training routes, revision of instrument approach procedures).

The benefit and cost questions outlined above cover the broad areas of this ANPRM. The FAA desires comments pertaining to these areas of impact and other areas which the commenter feels may be of impact. The FAA invites particularly interested groups to gather the preferences, ideas and comments of their group members, through such devices as articles in membership publications and polls of their membership.

Descriptions of the proposed restricted areas are set forth below and depicted on the charts at the end of this document.

The FAA has determined that this proposal is considered non-significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A full regulatory evaluation will be prepared with the assistance of comments received as a result of this advance notice, if necessary, in conjunction with any notice of proposed rulemaking that may be issued on this subject.

R–2539A USAF Space Shuttle Operations, Vandenberg, AFB, CA

Beginning at lat. 35°00'00" N., long. 120°42'00" W.;
to lat. 35°03'00" N., long. 120°39'00" W.;
to lat. 34°48'00" N., long. 120°16'00" W.;
to lat. 34°37'00" N., long. 120°16'00" W.;
to lat. 34°46'00" N., long. 120°27'00" W.;
to lat. 34°50'00" N., long. 120°32'00" W.;
to lat. 34°54'00" N., long. 120°33'00" W.;
to the point of beginning.

Altitudes. 9,000 feet MSL to unlimited.
Time of use. Continuous.
Controlling agency. FAA, Los Angeles, ARTCC.
Using agency. Western Space and Missle Center (WSMC)/SE, Vandenberg AFB, CA.

R–2539B USAF Space Shuttle Operations, Vandenberg AFB, CA

Beginning at lat. 34°46'00" N., long. 120°27'00" W.;
to lat. 34°37'00" N., long. 120°16'00" W.;
to lat. 34°30'00" N., long. 120°16'00" W.;
to lat. 34°36'00" N., long. 120°27'00" W.;
to lat. 34°36'00" N., long. 120°28'00" W.;
to lat. 34°39'00" N., long. 120°31'00" W.;
to lat. 34°40'00" N., long. 120°31'00" W.;
to the point of beginning.

Altitudes. 100 feet MSL to 3,000 feet MSL.
Time of use. Continuous.
Controlling agency. FAA, Los Angeles, ARTCC.
Using agency. Western Space and Missle Center (WSMC)/SE, Vandenberg AFB, CA.

R–2539C USAF Space Shuttle Operations, Vandenberg AFB, CA

Beginning at lat. 34°46'00" N., long. 120°27'00" W.;
to lat. 34°37'00" N., long. 120°16'00" W.;
to lat. 34°30'00" N., long. 120°16'00" W.;
to lat. 34°36'00" N., long. 120°27'00" W.;
to lat. 34°36'00" N., long. 120°28'00" W.;
to lat. 34°39'00" N., long. 120°31'00" W.;
to lat. 34°40'00" N., long. 120°31'00" W.;
to the point of beginning.

Altitudes. 3,000 feet MSL to unlimited.
Time of use. Continuous.
Controlling agency. FAA, Los Angeles, ARTCC.
Using agency. Western Space and Missle Center (WSMC)/SE, Vandenberg AFB, CA.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.65)

Issued in Washington, D.C., on January 9, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85-1550 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 443

Health Spas; Staff Report and Invitation to Comment

AGENCY: Federal Trade Commission.

ACTION: Publication of staff report and invitation to submit written comments.

SUMMARY: In May, 1979 the Presiding Officer published his report on the Proposed Trade Regulation Rule concerning Health Spas. The Federal Trade Commission's Bureau of Consumer Protection has now placed its Staff Report, which summarizes and analyzes the evidence in the proceeding, on the rulemaking record (Public Record 215-50). The report includes the staff's recommendations to the Commission concerning a trade regulation rule. The public is invited to comment on the Staff Report and the previously released Presiding Officer's Report for a period of 60 days, commencing with the publication of this notice. Neither report has been reviewed or adopted by the Commission. The Commission's final determination in this matter will be based on the entire rulemaking record, including the Staff and Presiding Officer's Reports, and on the comments received during the 60 day comment period.

DATE: Written comments on the Staff Report and Presiding Officer's Report will be accepted by the Commission for 60 days, until March 25, 1985.

ADDRESSES: Copies of the Staff and Presiding Officer's Reports are available at the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

Written comments should be sent to Presiding Officer James P. Greenan, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Walter Gross, Bureau of Consumer Protection, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580; telephone 202-523-3826.

SUPPLEMENTARY INFORMATION: The Staff Report on Health Spas was prepared pursuant to § 1.13(f) of the Commission's Rules of Practice. The report and Staff's Recommended Rule have been placed on Public Record 215-50. The Presiding Officer's Report was issued on May 4, 1979 (44 FR 26127). The rulemaking record and a computer digest of and index to the rulemaking record are available for use by the public at the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Copying of these materials is permitted, upon payment of the appropriate fee.

Written comments on the Staff and Presiding Officer's Reports are invited from the public pursuant to § 1.13(h) of the Commission's Rules of Practice. Comments must be confined to information already in the rulemaking record. The submission of further evidence or factual material will not be accepted in post record comment and may result in rejection of the comment as a whole. To facilitate consideration, comments should be identified as "Comments on Presiding Officer and Staff Reports—Health Spa TRR." Comments must be received on or before March 25, 1985 and, when possible, should be submitted in four copies.

The Committee has not made any findings of conclusions with respect to this matter. The Commission's final determination will be based on the entire rulemaking record, including these reports and comments received. Publication of the Staff Report and the Presiding Officer's Report should not be interpreted as representing the views of the Commission or any individual Commissioner.

James P. Greenan,

Presiding Officer.

[FR Doc. 85-1132 Filed 01-01-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM82-32-000]

Limitation on Incentive Prices for High-Cost Gas to Commodity Values; Extension of Time

January 15, 1985

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; extension of time to file answer to motion to terminate rulemaking proceeding.

SUMMARY: On February 10, 1983, the Commission issued a Notice of Proposed Rulemaking involving a limitation on incentive prices for high-cost gas to commodity values (48 FR 7469, February 22, 1983). On December 26, 1984, ANR Production Company and J&J Enterprises, Inc. filed a Motion to Terminate Rulemaking Proceeding on, in the Alternative, the Hold Evidentiary Hearings. The period of time for filing an answer to the Motion to Terminate is being extended at the request of Northwest Central Pipeline Corporation.

DATE: Answers must be submitted on or before January 22, 1985.

ADDRESS: Submit answers to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357-8400.

SUPPLEMENTARY INFORMATION:

On January 11, 1985, Northwest Central Pipeline Corporation (Northwest Central) filed a motion for an extension of time to file an answer to the Motion to Terminate Rulemaking Proceeding, or, in the Alternative, to Hold Evidentiary Hearings filed January 2, 1985, in the above-docketed proceeding, on behalf of ANR Production Company and J&J Enterprises, Inc. The motion states that Northwest Central requires additional time because the Motion to Terminate raises important and complex issues which must be researched and analyzed in order for the company to prepare an appropriate answer. The extension motion further states that additional time is needed because Northwest Central experienced a delay in its receipt of an copy of the Motion to Terminate.

Upon consideration, notice is hereby given that an extension of time for the filing of an answer is granted to and including January 22, 1985

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1557 Filed 1-18-85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 232

[Docket No. R-85-1212; FR 1960]

HUD Board and Care Homes Regulations

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This rule would permit HUD to provide mortgage insurance for the construction or rehabilitation of board and care homes, as authorized under section 437 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181.

DATE: Comments must be received by March 25, 1985.

ADDRESS: Interested persons are invited to submit comments to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Lewis, Room 6135, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410, (202) 755-6223. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Section 437 of the Housing and Urban-Rural Recovery Act of 1983 permits HUD to insure mortgages on board and care homes. This proposed rule would implement that new authority. Under the Act and in this proposed rule, the term "board and care home" means a residential facility providing room, board, and continuous protective oversight to residents of the home.

Under this rule, a board and care home could be either a free-standing entity or part of a complex that could also include a nursing home, an intermediate care facility, or both. It may be developed under a separate mortgate, or as part of a combined-use project under a single mortgage involving the board and care home, a nursing home or an intermediate care facility. The insurance of such multifunctional projects will facilitate the provision of a continuum of housing and care at one location.

Where the project will offer a combination of care levels, the proposed rule would require that the services and physical structure be readily identifiable as separate levels of service. This does not mean that different levels of care must be in separate buildings; however, the rule would require that they be on separate floors of a single building, in separate wings of the same building, or somehow separated by the structure itself.

A board and care home would not involve the provision of skilled nursing or intermediate care. The type of supervision of occupants in a board and care home would be different from that found in a nursing home or an intermediate care facility. The board and care home would provide "continuous protective oversight" of its occupants (see § 232.1 for examples of continuous protective oversight), instead of the level of care found in a nursing home or intermediate care facility.

The purpose of a board and care home would not be primarily health related. It would be a form of residence, with regular charges for occupancy and services. One of the reasons for having this type of care is to accommodate those people who need support at a lower level than that provided in nursing homes of intermediate care facilities. (It has been estimated that more than 35 percent of persons in nursing homes do not need the extensive level of care afforded by such facilities.) In the long run, this program should be cost-effective because it can prevent early and unnecessary institutionalization, and the reduced level of services should help reduce costs, as compared to nursing homes or intermediate care facilities.

This proposed rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 that implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW, Washington, D.C. 20410.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The board and care program could potentially reduce or eliminate the costs of unnecessary institutionalization of persons. The number of small entities impacted by the rule, however, is not expected to be substantial.

This rule was listed as item number 87 in the Department's Semiannual Agenda of Regulations published on October 22, 1984 (49 FR 41687, FR 41709) under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 232

Fire prevention, Health facilities, Loan programs: Health, Housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities.

Accordingly, the Department proposes to amend 24 CFR Part 232 as follows:

1. The Title of 24 CFR Part 232 would be revised to read as follows:

PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES

2. In the Table of Contents of 24 CFR Part 232, the reference to § 232.39 would be revised to read as follows:

§ 232.39 Construction standards.

3. In § 232.1, paragraph (j) would be revised, and a new paragraph (l) would be addd, to read as follows:

§ 232.1 Definitions.

(j) "Project" means a nursing home or intermediate care facility or combined nursing home and intermediate care facility, approved by the Commissioner under provisions of this subpart. A project may include such additional facilities as may be authorized by the Secretary for the nonresident care of elderly individuals and others who are able to live independently but who require care during the day. "Project" also means a board and care home or a board and care home in combination

with a nursing home or an intermediate care facility, or both.

* * * * *

(l) "Board and care home" means a proprietary residential facility or a residential facility owned by a private nonprofit corporation or association, providing room, board and continuous protective oversight that is regulated by a State pursuant to the provisions of section 1616(e) of the Social Security Act, so long as the home is located in a State that, at the time an application is made for insurance under this part, has demonstrated to the Secretary that it is in compliance with the provisions of section 1616(e). Continuous protective oversight involves a range of activities or services which might include, for relatively independent occupants, such things as awareness on the part of management staff of an occupant's condition and whereabouts, and the ability to intervene in the event of crisis, or, for relatively dependent occupants, such services as supervision of nutrition or medication, assistance as necessary with activities of daily living, such as bathing, dressing, shopping, or eating, or a 24-hour responsibility for the welfare of the resident. Continuous protective oversight is not limited to the above activities, nor must it include the examples given.

4. In § 232.6, paragraph (a) would be revised to read as follows:

§ 232.6 Required certificates.

(a) *Certification by State agency.* (1) Every application for insurance of a nursing home or an intermediate care facility shall be accompanied by a certificate executed by the appropriate State agency for the State in which the project is or will be located, designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. Such certificate shall evidence that:

(i) There is need for the project.

(ii) There are in force in the State or other political subdivision of the State reasonable minimum standards of licensure and methods of operation for the project.

(2) Every application for insurance involving a board and care home shall be accompanied by a statement executed by the appropriate State agency for the State in which the project is or will be located, certifying that the State is in compliance with section 1616(e) of the Social Security Act.

(The Office of Management and Budget approval number for the Application for Project Mortgage Insurance is 2502–0029 and the approval number for the Certificate of Need for Health Facilities is 2502–0210)

* * * * *

5. Section 232.39 would be revised to read as follows:

§ 232.39 Construction standards.

The project shall conform to standards satisfactory to the Commissioner.

(a) Nursing homes or intermediate care facilities shall consist of not fewer than 20 beds after completion of the construction or rehabilitation. The nursing home or intermediate care facility structure, or designated portion of a structure, must not contain board and care units.

(b) A board and care home shall be a free-standing structure or an identifiable separate portion of a structure, containing not fewer than 10 residential one-bedroom or efficiency accommodations after completion of the construction or rehabilitation. Each two accommodations must be served by at least one full bathroom. Group dining facilities shall be available. Kitchen facilities in each accommodation will not be required. Only one to four-person occupancy will be permitted in each bedroom accommodation. The board and care structure, or designated portion of a structure, shall not contain any nursing home or intermediate care beds.

6. In § 232.50, paragraphs (a)(1) (ii) and (iii) would be revised to read as follows:

§ 232.50 Effect and term of SAMA letter, conditional and firm commitment.

(a) * * *

(1) * * *

(i) * * *

(ii) The acceptability of the proposed project site, the proposed number of beds or accommodations, and the market for the number of proposed beds or accommodations. Where the application is not acceptable as submitted, but can be made acceptable by a change in the number of beds or accommodations, the SAMA letter may establish the specific lesser number of beds or accommodations that would be acceptable and any acceptable alternative plan.

(iii) The acceptability of the monthly bed rates or accommodation charges proposed. Where monthly bed rate or accommodation charge levels are unacceptable, the SAMA letter may establish specific levels that are acceptable.

* * * * *

7. In § 232.81, paragraph (d) would be revised to read as follows:

§ 232.81 Form of contract.

* * * * *

(d) *Federal or State assisted projects.* Where the mortgagor is to receive a Federal or State grant in connection with the development of the project, a lump sum contract may be used whether or not a cost plus form of contract would otherwise be required by the provisions of paragraph (c) of this section.

8. In § 232.500, paragraphs (c) and (d) would be revised to read as follows:

§ 232.500 Definitions.

* * * * *

(c) "Fire safety equipment" means equipment purchased, installed, and maintained in a nursing home, intermediate care facility, or board and care home that is necessary for compliance by such home or facility with applicable requirements for institutional occupancy under the 1967 (or any subsequent) edition of the Life Safety Code of the National Fire Protection Association, or other such code or requirements approved by the Secretary of Health and Human Services for providers of services under title XVIII and title XIX of the Social Security Act, or as mandated by a State under the provisions of section 1616(e) of such Act. In addition to those requirements approved by the Secretary of Health and Human Services as necessary for institutional occupancy, "fire safety equipment" may also include fire safety-related improvements that are not mandatory under the requirements of the Secretary of Health and Human Services but which he or she considers desirable for protection against the hazards of fire and which the borrower agrees to install. For the purposes of this definition, the terms "nursing home" and "intermediate care facility" shall include those facilities designated as skilled nursing facilities or intermediate care facilities by the Department of Health and Human Services.

(d) "Fire safety loan" means any form of secured or unsecured obligation determined by the Commissioner to be eligible for insurance under this subpart and, in the case of a board and care home, made with respect to such a home loacted in a State which the Secretary has determined is in compliance with the provisions of section 1616(e) of the Social Security Act.

* * * * *

9. In § 232.505, paragraph (b) would be revised to read as follows:

§ 232.505 Application and application fee.

* * * * *

(b) *Filing of application.* An application for insurance of a fire safety loan for a nursing home, intermediate care facility or board and care home shall be submitted on an approved HUD

form by an approved lender and by the owners of the project through the local HUD office.

* * * * *

10. Section 232.615 would be amended by designating the present text as paragraph (a), and by adding a new paragraph (b), to read as follows:

§ 232.615 Eligible borrowers.

(a) * * *

(b) Also eligible as a borrower shall be a profit or non-profit entity which owns a board and care home for which HUD has determined that the installation of fire safety equipment is necessary to meet HUD's safety requirements and the Life Safety Code of the National Fire Protection Association.

Authority: Secs. 211 and 232 of the National Housing Act, 12 U.S.C. 1715b, 1715w; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: January 10, 1985.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 85-1592 Filed 1-18-85; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4 and 240

[Notice No. 554, Ref: Notice No. 543]

Materials and Processes for the Production of Standard Wine and for the Treatment of Juice, Standard Wine and Distilling Material; Extension of Comment Period

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for Notice No. 543 [49 FR 37527, September 24, 1984]. Notice No. 543 proposed revisions of the lists of materials and processes authorized for the cellar treatment of standard wine produced in the United States. The 120-day comment period following publication of Notice No. 543 was to close on January 23, 1985. However, ATF has received several requests that the comment period be extended in order to allow interested parties sufficient time to file written comments.

DATE: Comments must be received by March 1, 1985.

ADDRESS: Comments should be addressed to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, Reference: Notice No. 543

During normal business hours, written comments and Notice No. 543 may be inspected by any person at: Office of Public Affairs and Disclosure, ATF Reading Room, Federal Building, Room 4407, 1200 Pennsylvania Avenue, NW, Washington, DC .

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

In the **Federal Register** of September 24, 1984, ATF published Treasury Decision ATF-182 and Notice No. 543. The Treasury decision implemented revisions of the lists of materials and processes authorized for use in the cellar treatment of standard wine. The preamble of the Treasury decision and Notice No. 543 addressed those treatments for which ATF requested additional comments. Despite ATF's efforts to publicize these important issues and to solicit public comments to the notice of proposed rulemaking, ATF has recently received information that proprietors of bonded wineries and bonded wine cellars in the eastern United States were unaware of the publication of these documents. In January 1985, ATF received written requests from Mr. Dan Robinson of Widmer's Wine Cellars, Naples, New York, and from Mr. Robert F. Sagle, counsel to the American Wine Association, for an extension of the comment period. ATF believes that additional time is needed to facilitate the rulemaking process and, accordingly, is extending the comment period to March 1, 1985.

ATF encourages all potential commenters to this notice to read the preamble of the Treasury Decision ATF-182 for a detailed explanation of the Bureau's concerns about the treatments which are addressed in Notice No. 543.

Drafting Information

The principal author of this document is Coordinator Michael J. Breen of the FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firarms.

Authority

This notice is issued under the authority contained in 26 U.S.C. 5382 (72 Stat. 1383, as amended), 26 U.S.C. 7805 (68A Stat. 917, as amended), and 27 U.S.C. 205 (49 Stat. 981, as amended).

Approved: January 8, 1985.

Stephen E. Higgins,

Director.

[FR Doc. 85-1608 Filed 1-18-85; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-9-FRL-2760-8]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations in Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the sulfur dioxide (SO_2) and total suspended particulate (TSP) attainment status designations for certain portions of Hawaii. The Kahe Point, Oahu nonattainment area for SO_2 is proposed for redesignation to attainment. The Kahului, Maui nonattainment area for SO_2 and TSP is proposed for redesignation to attainment for both pollutants. These actions are in response to requests for redesignation by the Hawaii Department of Health under paragraph 107(d)(5) of the Clean Air Act. EPA invites public comment on these proposed redesignations. Should the proposed redesignations be acted on in final rulemaking the Part D "Nonattainment Area Plan" requirements of the Clean Air Act would be replaced by the requirements of Part C, "Prevention of Significant Deterioration of Air Quality," throughout the State. Final rulemaking would also lift the current ban on construction of major stationary sources in the Kahe and Kahului areas.

DATE: Comments will be considered if submitted within 30 days from the date of this notice.

ADDRESSES: Send any comments to: Regional Administrator, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105. Attn: Technical Evaluation Section, Air Programs Branch, Air Management Division.

EPA's Technical Support Document concerning the proposed redesignations is available for public inspection during normal business hours at EPA's San Francisco office and at the following location: Hawaii Department of Health, 1250 Punchbowl Street, Honolulu, Hawaii 96813.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Technical Evaluation Section (A–2), Air Programs Branch, Air Management Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Tele: (415) 974–7640, FTS: 454–7640.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 1979 (44 FR 53081) EPA designated the area within a two kilometer radius of the Hawaiian Electric Company (HECO) power plant at Kahe Point, Oahu as nonattainment for sulfur dioxide. In the same notice, EPA designated the area within a two kilometer radius of the Maui Electric Company, Limited (MECO) power plant, a subsidiary of HECO, at Kahului, Maui as nonattainment for both sulfur dioxide (SO_2) and total suspended particulate (TSP).

Under paragraph 107(d)(5) of the Clean Air Act a state may revise its attainment status designations and submit them to EPA for consideration and promulgation. On April 12, 1983 the Hawaii Department of Health requested that the Kahe Point nonattainment area be redesignated to attainment for SO_2. On May 16, 1983 the Hawaii Department of Health requested that the Kahului nonattainment area be redesignated to attainment for both SO_2 and TSP.

In general, eight consecutive quarters of violation-free air quality data plus evidence of an EPA approved control strategy are necessary in order for an area to be redesignated from nonattainment to attainment. However, an attainment designation can be made using only the most recent four quarters of ambient data if modeling is available showing enforceable emission reductions are responsible for the recent air quality improvement.

For a detailed description and evaluation of the redesignations proposed in this notice, please refer to the Technical Support Document which is available from the Region IX office mentioned above.

Proposed Actions

EPA has reviewed the requests of the Hawaii Department of Health and the supporting data and has determined that the redesignations should be approved. The redesignation of the Kahe Point nonattainment area to attainment for SO_2 is based on (a) one year of violation-free, monitored ambient air data, (b) federally enforceable permit conditions requiring the use of 0.5 percent low sulfur fuel and taller stacks, and (c) dispersion modeling at good engineering practice (GEP) adjusted stack height which demonstrates the local air quality improvement obtained because of the permit conditions.

The redesignation of the Kahului nonattainment area to attainment for SO_2 and TSP is based on (a) two and a half years of violation-free monitored ambient air data and (b) evidence of implementation of a recent control measure (i.e., construction of a new formula GEP stack in June 1982).

Since completing construction of new stacks at both power plants, portions of EPA's stack height regulations, which formed the basis for the plants' stack modifications, were overturned by the U.S. Court of Appeals for the D.C. Circuit. (*Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir., 1983) *cert. denied*, 52 U.S.L.W. 3929 (U.S. July 2, 1984.) In response, EPA proposed revised stack height regulations on November 9, 1984 (49 FR 44878). The stack height credit used in establishing the emission limitations and, thus, the ambient attainment status surrounding HECO's plants is consistent with this proposal. However, before the redesignations are finally promulgated, EPA will again review them for consistency after EPA's new stack height regulations are promulgated.

The Administrator has certified (46 FR 87709) that this action will not have a significant economic impact on a substantial number of small entities. The Office of Management and Budget has exempted this action from the requirement of Section 3 of Executive Order 12291.

Authority: Secs. 107(d) and 301(a) of the Clean Air Act, as amended (42 USC 7407(d) and 7601(a)).

List of Subjects in 40 CFR Part 81

Air Pollution Control, National Parks, Wilderness Areas.

Dated: January 2, 1985.

John Wise,

Acting Regional Administrator.

[FR Doc. 85–1582 Filed 1–18–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 78–72; CC Docket No. 80–286; FCC 85–10]

MTS and WATS Market Structure; and Establishment of a Joint Board

AGENCY: Federal Communications Commission.

ACTION: Order inviting comments.

SUMMARY: The Commission is requesting comments on the petition filed by the Florida Public Service Commission (Florida plan) seeking authority to implement a comprehensive unified interstate and intrastate access charge tariff in Florida on an experimental basis. The Commission is also asking the Federal-State Joint Board to analyze and prepare a recommendation concerning the Florida plan. The Commission is taking this action as part of its effort to work with the Joint Board and interested state commissions to explore experimental tariff mechanisms. Preparation of a Joint Board recommendation based on these comments will assist the Commission in evaluating the Florida plan.

DATES: Comments are due by February 22, 1985. Replies are due by March 25, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudia Pabo or William Kirsch at (202) 632–6363.

SUPPLEMENTARY INFORMATION:

In the matter of MIS and WATS Market Structure Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board (CC Docket No. 78–72, CC Docket No. 80–286).

Order Inviting Comments

By the Commission:
Adopted: January 9, 1985.
Released: January 14, 1985.

I. Introduction

1. On November 9, 1984, the Florida Public Service Commission filed a petition[1] seeking authority to implement a comprehensive unified interstate and intrastate access charge tariff in Florida on an experimental basis (Florida plan). In its *Recommended Decision and Order* on November 15, 1984, the Federal-State Joint Board urged the Commission to work closely with interested state commissions to explore experimental tariff mechanisms for recovering the interstate allocation of non-traffic sensitive (NTS) costs.[2] The Commission

[1] Petition for Authority to Implement an Experimental Unified Interstate and Intrastate Access Charge Tariff for the State of Florida, *MTS and WATS Market Structure* and *Amendment of Part 67 of the Commission's Rules*, CC Docket Nos. 78–72 and 80–286, filed by the Florida Public Service Commission, November 9, 1984.

[2] *Recommended Decision and Order, MTS AND WATS Market Structure* and *Amendment of Part 67 of the Commission's Rules*, CC Docket Nos. 78–72 and 80–286, Mimeo No. CC 1001, released November 23, 1984, 49 FR 48325 (December 12, 1984).

subsequently adopted the Joint Board recommendation.[3]

2. The Commission hereby requests comments on the Florida plan. In particular, we request that parties address the following issues: (1) The merits of the unified tariff approach as proposed by Florida; and (2) the legal authority for implementation of such an approach under the Communications Act. We are asking the Joint Board established in *Amendment of Part 67 of the Commission's Rules*, CC Docket No. 80–286, to analyze the Florida plan and prepare a recommendation concerning it.

II. The Florida Plan

3. The Florida plan calls for a single set of access charge tariffs to recover costs for all interexchange use of the local network. Under this approach, access charge rate levels would be set and administered by the Florida Public Service Commission in compliance with broad structural guidelines recommended by the Joint Board and approved by the FCC. The federal guidelines proposed by Florida include: (1) A cap on the costs which may be recovered from interstate interexchange services for access to the local exchange; (2) a prohibition on charges that discriminate against interstate interexchange services; (3) a prohibition on charges that discriminate between different interexchange carriers utilizing the same services or facilities; and (4) a requirement that charges not encourage uneconomic bypass. An aggrieved party would be able to petition the Joint Board to review a state commission action to determine whether it was in compliance with these guidelines.

4. The proposed Florida access charge plan differs from the access charge approach provided for in Part 69 of the Commission's rules in several respects. In addition, the rate levels proposed in the Florida plan are based on a flat 25 percent interstate allocation of NTS costs, rather than each study area's [4] frozen Subscriber Plant Factor (SPF). (The current statewide average SPF for Florida is 38.9 percent.) This approach does not reflect the separations procedures set out in Part of 67 of the Commission's rules.[5] The Florida plan is based on the existing level of interstate traffic sensitive costs.

5. Florida does not propose implementation of subscriber line charges. It states that, under its plan, the level of costs recovered from interexchange carriers through access charge rates would be market driven to reflect the reality of bypass. Any reduction in the unified access charge levels would be recovered through local exchange rates. Florida also proposes to phase out the participation of Florida companies in all National Exchange Carrier Association (NECA) pooling arrangements over a three year period. This would include the mandatory carrier common line pool as well as voluntary pooling arrangements. After three years, each company in Florida would be responsible for recovery of its own NTS costs, with access charges based on each company's specific costs and markets.

6. Under the Florida proposal, each company would "bill and keep" its own access charges. Florida states that the "bill and keep" system would allow identification of those companies whose customers would experience unduly high local rates in the absence of a toll subsidy. Florida states that it might provide for a targeted toll subsidy for certain companies, but adds that this would be done solely among companies and operations within the state. Florida also proposes to use a company-specific rate of return in setting rates for use of the local network.

7. Florida states that all parties participating in the Florida access charge proceedings agreed that access charges for both intrastate and interstate interexchange access should be equivalent, and that a unified federal/state system is far more rational than two competing structures. Florida argues that a uniform system of access charges would have the advantage of eliminating any incentive to misrepresent jurisdictional traffic volumes which exists when prices for interstate and intrastate access differ. Florida also argues that a unified tariff will allow the FCC to reduce its administrative burdens, as well as those of the local exchange companies, interexchange carriers and other interested parties by eliminating the need for two different jurisdcitional access tariffs.

8. Florida states that its proposal satisfies the suggested federal guidelines discussed above. It also states that its plan satisfies the following FCC goals and objectives: (1) Promotion of universal service; (2) equal treatment of interexchange carrires; (3) encouragement of network efficiency; (4) avoidance of uneconomic bypass; and (5) promotion of telecommunications competition.

9. Florida requests that the Commission approve its plan for a unified system of intrastate and interstate access charges in Florida, under the terms and conditions set out in the proposed tariff and accompanying materials. Florida requests that the Commission issue an order authorizing the Florida Public Servcie Commission to require local exchange companies in Florida to file access charge tariffs incorporating the terms and conditions in the state's proposed tariff.

III. Discussion

10. The Commission has committed itself to work closely with the Joint Board and interested state commissions to explore experimental tariff mechanisms for recovering the interstate allocation of NTS costs. Accordingly, we are initiating proceedings to enable us to evaluate the Florida plan. Interested parties are hereby invited to comment on this proposal. These comments should discuss: (1) The benefits and drawbacks of a unified access charge tariff; (2) the effect of the differences between Florida's proposed access charge plan and that implemented by the FCC, including the proposal that Florida companies phase out participation in the NECA carrier common line pool; and (3) the extent to which the Florida plan serves the goals established in the *MTS and WATS Market Structure Inquiry*, CC Docket No. 78–72.[6] Interested parties should also comment on the mechanical framework for implementation of experimental tariffs and the Commission's legal authority to authorize Florida to require that local exchange companies in that state file tariffs incorporating the terms and conditions of the state's proposed plan.

11. We are asking the Federal-State Joint Board established in CC Docket No. 80–286 to review the Florida petition and prepare a recommendation on these issues. A Joint Board recommendation, based on review of all of the available information, will be very helpful to the Commission in reaching a final decision on how to proceed with the Florida plan.

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[3] *Decision and Order*, CC Docket Nos. 78–72 and 80–286, FCC 84–637, released December 28, 1984.

[4] A study area is usually a telephone company's service territory within a state. However, there are instances where a single telephone holding company will have several study areas within a state. The Commission has frozen study area boundaries as they existed on November 15, 1984 for separations purposes.

[5] Under Part 67 of the Commission's rules, the transition from frozen SPF to the new allocation factor plus high cost assistance is scheduled to take place in eight equal annual steps beginning January 1, 1986.

[6] The Commission has established four basic goals in this proceeding: (1) The preservation of universal service; (2) the prevention of bypass; (3) the elimination of unjust discrimination in the recovery of NTS costs; and (4) the promotion of economic efficiency.

III. Ordering Clauses

12. Accordingly, it is ordered, that comments on the Florida petition are to be filed with the Secretary, Federal Communications Commission, no later than February 22, 1985. Reply comments are to be filed no later than March 25, 1985. All comments and reply comments are to be served on the Joint Board members and staff listed in Attachment A.

13. It is further ordered that the Federal-State Joint Board is to review the Florida Plan and prepare recommendations for the Commission.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment A

Joint Board Members

Chairman Mark S. Fowler, Federal Communications Commission, Room 814, 1919 M Street NW., Washington, D.C. 20554

Commissioner Henry M. Rivera, Federal Communications Commission, Room 822, 1919 M Street NW., Washington, D.C. 20554

Commissioner Mimi Weyforth Dawson, Federal Communications Commission, Room 826, 1919 M Street NW., Washington, D.C. 20554

Commissioner Marvin R. Weatherly, Alaska Public Utilities Commission, Suite 100, 420 L Street, Anchorage, Alaska 99501 (Express Mail or Courier Service)

Chairman Edward F. Burke, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903

Commissioner Edward P. Larkin, New York Public Service Commission, 400 Broome Street, New York, New York 10013

Commissioner Edward B. Hipp, North Carolina Utilities Commission, Box 991, Raleigh, North Carolina 27602

Federal State Joint Board Staff

Kathleen Whiteaker, Chairman, Federal State Joint Board Staff, Alaska Public Utilities Commission, 420 L Street, Suite 100, Anchorage, Alaska 99501 (Express Mail or Courier Service)

Paul Popenoe, Jr., California Public Utilities Commission, 350 McAllister Street, San Francisco, California 94102

Timothy J. Devlin, Deputy Director, Auditing and Financial Analysis Dept., Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301

Elton Calder, Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Georgia 30334

Robert E. Osborn, Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319

Guy E. Twombly, Maine Public Utilities Commission, State House, Station 18, Augusta, Maine

Ronald Choura, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909

Allan Bausback, New York Public Service Commission, Empire State Plaza, Albany, New York 12223

Hugh L. Gerringer, Public Staff—NCUC, Communications Division, Box 991 Raleigh, North Carolina 27602

Jim Lanni, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903

Gary A. Evenson, Director, Communications Bureau, Utility Rates Division, Public Service Commission, P.O. Box 7854, Madison, Wisconsin 53707

Claudia R. Pabo (4 copies), Room 544, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554

[FR Doc. 85-1609 Filed 1-18-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-231; FCC 84-641]

Implementation of BC Docket No. 80-90 To Increase the Availability of FM Broadcast Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: These proposals concern five counterproposals previously rejected for inclusion in this proceeding. Channels are proposed for LaCrosse, Wisconsin; Corbin, Kentucky, Vergennes, Vermont; South Pittsburg, Tennessee; and Kinston, North Carolina in order to provide a first or additional service to the proposed communities.

DATE: Comments must be filed on or before February 28, 1985, and reply comments on or before March 15, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments (MM Docket No. 84-231).

Further Notice of Proposed Rule Making

Adopted: December 19, 1984.
Released: January 14, 1985.
By the Commission.

1. In the *First Report and Order* adopted this same day, the Commission has allotted 689 new FM channels throughout the country. In that item, we noted that 224 counterproposals had been accepted for consideration. We are now accepting five more counterproposals in response to opposition comments styled as petitions for reconsideration. The subject counterproposals involve the following communities:

(1) Corbin, Kentucky;
(2) Kinston, North Carolina;
(3) South Pittsburg, Tennessee;
(4) Vergennes, Vermont; and
(5) LaCrosse, Wisconsin.

2. As mentioned in paragraph 3 of the *First Report and Order,* three counterproposals (Corbin, Kentucky; Vergennes, Vermont; and LaCrosse, Wisconsin) specified the provision of first and second aural service, and conflicted with other cities proposed therein, and thus were properly filed in this proceeding. However, these counterproposals also involved the substitution of channels to a higher class and the modification of license. The subject of license modification in the rule making context was unsettled during this period as a result of a pending Application for Review to the *Helena, Montana* case, 50 RR 2d 70 (1982), *recons.* 48 FR 59025, published November 30, 1983, and no such requests were being considered. Thereafter the Commission policy was established in *Modification of FM and TV Station Licenses,* MM Docket No. 83-1148, 49 FR 34007, published August 28, 1984, enabling us to now entertain requests to modify a station's license to a higher class.

3. The other two counterproposals (Kinston, North Carolina and South Pittsburg, Tennessee) were previously rejected due to certain technical problems. These problems have been resolved in the petition for reconsideration permitting the acceptance of these requests at this time.

Corbin, Kentucky

4. Crawford Broadcasting, Inc. ("Crawford"), licensee of Station WCTT (Channel 296A), Corbin, Kentucky, submitted a counterproposal for the allotment of Channel 297C2 to Corbin, and the modification of its license to

specify the new channel. This proposal conflicted with the Commission's proposal to allot Channel 294A to Jellico, Tennessee. Crawford indicated the upgrade would permit it to better serve the needs of the community and surrounding area, by providing a first aural service to a population of 21,707 (462 square miles). This study has not been confirmed by staff analysis and we seek comments on the accuracy of this showing.

5. Jellico, Tennessee, and Corbin, Kentucky, are only 35.1 kilometers (22 miles) apart and for third adjacent channels the minimum distance separation requirement is 55 kilometers (34 miles). Therefore, both allotments cannot be made.

6. In accordance with our established policy, we shall propose to modify the license of Station WCTT (Channel 296A) to specify operation on Channel 297C2. However, should another party indicate an interest in the Class C2 allotment, then modification may not be implemented. See, *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), and *Modification of FM and TV Station Licenses, supra.*

Vergennes, Vermont

7. Radio Vergennes, Inc., licensee of Station WIZN, Vergennes, Vermont, filed a counterproposal for the allotment of Channel 294C2 and modification of its license to specify operation on the new channel. In order to accomplish this, Channel 294A could not be allotted to Plattsburgh or to Granville, New York, as proposed in the *Notice of Proposed Rule Making*. Granville has since been dropped from consideration as no interest has been expressed. Radio Vergennes provides a showing that the allocation of Channel 294C2 at Vergennes could provide a first fulltime aural service to an area of approximately 128 square miles with 1,500 people and a second fulltime aural service to an area of approximately 280 square miles with 13,000 people. This study has not been confirmed by staff analysis. Rather we seek comments on the accuracy of this showing. Although Channel 294C2 cannot be used at its present location, Radio Vergennes states that it will seek a waiver of the mileage requirements and if that is not granted it will move its transmitter location. In the *First Report and Order*, we have allotted Channel 278A to Plattsburgh instead of Channel 294A. Thus, Channel 294C2 can be assigned to Vergennes without a conflict to any pending proposals.

8. In accordance with our established policy, we shall propose to modify the license of Station WIZN (Channel 294A) to specify operation on Channel 297C2. However, should another party indicate an interest in the Class C2 allotment, then modification may not be implemented. See, *Cheyenne, Wyoming, supra.*

LaCrosse, Wisconsin

9. May Broadcasting Company ("May"), licensee of Station WSPL–FM, Channel 240A, LaCrosse, Wisconsin, filed a counterproposal for the allotment of Channel 239C2 and modification of its license to specify operation on the new channel. May's proposal conflicts with the Commission proposal to allot Channel 238A to Cresco, Iowa, since the communities are only 72.1 kilometers (45 miles) apart and the mileage separation requirements specify 105 kilometers (65 miles). May asserts that its proposal would better serve the public interest since it could provide: (1) A first aural service to an area of 3 square miles with a population of 51; and (2) a second aural service to an area of 235 square miles with a population of 4,490. This study has not been confirmed by staff analysis. Rather we seek comments on the accuracy of this showing. May urges the adoption of its proposal since an engineering study indicates that the only opportunity for upgrading its facilities is on Channel 239C2 using a transmitter site to the south of LaCrosse, Wisconsin. Channel 239C2 can be assigned to LaCrosse with a site restriction of 12.3 miles south.

10 . A staff engineering study indicates that another channel (272A) can be alloted to Cresco, Iowa. We have done so in the *First Report and Order* in this proceeding.

11. As stated previously, should another party indicate an interest in the Class C2 allotment for LaCrosse, the proposed modification may not be implemented. See, *Cheyenne, Wyoming*, supra.

Kinston, North Carolina

12. Farmers Broadcasting Service, Inc. ("Farmers") submitted a counterproposal requesting the allocation of Channel 254A to Kinston, North Carolina, in lieu of our proposal to assign that channel to Jacksonville, North Carolina. That request was returned as unacceptable as it would not have afforded Station WROK (Channel 254) Greensboro, North Carolina, the full 16 kilometer buffer zone as mandated in the *Memorandum Opinion and Order* in BC Docket 80–90, 49 FR 10260, published March 20, 1984. It was also noted that Kinston currently has fulltime local service from FM Stations WRNS and WQFW and AM Stations WFTC and WISP and therefore the proposal did not fit any of the categories specified for acceptance.

13. In its original filing, Farmers conceded that the use of Channel 254A would not provide the full 16 kilometer buffer zone to Station WRQK but asserted that the Greensboro station would agree to waive its right to use the buffer in the direction of Kinston. However, there was no submission by the licensee of Station WRQK attesting to that fact. On July 18, 1984, Farmers submitted a petition for reconsideration of our dismissal of its counterproposal and provided the Commission with a letter from the licensee of Station WRQK, A.H. Robins Company, stating that it waived its interest in use of the buffer zone since it had no intention of moving its transmitter any closer to Kinston than its present location. Based on that letter and a clarification from Farmers that it did indeed intend to provide minority-oriented service should it become the ultimate licensee, we now believe that the counterproposal is acceptable for consideration in this proceeding. We hereby request comments from interested parties on the proposals to assign FM Channel 254A to either Jacksonville or Kinston.

14. The allotment of Channel 254A at Jacksonville could provide that community with its third local FM service. Expressions of interest in use of a Jacksonville alloction were filed by June G. Fuss, James Jarman, Eric R. Spencer, James Capers, Jr., Chuck Harris, Harold Foster, Brad M. Kelley and George W. Bott. Jarman stated in his letter of intent that he would provide minority-oriented service to that community. Further, the National Association of Black-Owned Broadcasters requested that should no letters of interest in use of the Jacksonville allocation be received by the comment deadline, that the community nevertheless remain on the list of new allotments so as to provide Jacksonville minority-oriented service.

15. The allotment of Channel 254A to Kinston could provide that community with its third local FM service. As stated earlier, Farmers proposes service to a minority population of 13,408 persons.

16. Channel 254A can bealocated to Jacksonville without any site restriction of 18.9 miles southeast. The proposed Channel 254A at Kinston would require a site restriction of at least 7.9 kilometers (4.9 miles) south of the community.

South Pittsburg, Tennessee

17. Marion County Broadcasting Service, Inc., licensee of daytime-only AM Station WEPG, South Pittsburg, Tennessee, requests the allotment of Channel 300C2 to its community. The

proposal meets the category of provision of a first fultime local service for the community but was previously rejected for non-compliance with the distance separation requirements. In particular it appeared that no site could be found that could meet the separations to Station WABD–FM, Fort Campbell, Kentucky; Station WENN–FM, Birmingham, Alabama (including these stations's buffer zones) and Station WIVK–FM, Knoxville, Tennessee. However, the Commission's staff was able to determine in response to Marion County's petition for reconsidertion that a site located 29 kilometers (18.1 miles) SE would avoid the idenitified spacing constraints.

18. The South Pittsburg proposal would conflict with the Commission's proposal to allot Channel 300A to Calhoun, Georgia and counterproposals for Channel 300A at East Ridge and Jasper, Tennessee. Thus, these proposals will also be considered in this *Further Notice*. Marion County has suggested in the alternative tht Channel 300 could be allotted to South Pittsburg as a Class A Channel. Comments are requested on the comparative factors involving these comunities including the availability of other channels.

19. In view of the above, the Commission believes it is appropriate to solicit comments on the proposals to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, for the following communities:

City	Channel No.	
	Present	Proposed
Calhoun, GA		300a
Corbin, KY	257A, 296A	257A, 297C2
Jacksonville, NC	221A, 288A	221A, 254C1 or 254A, 288A
Kinston, NC	236, 249A	236, 249A, and 254A
East Ridge, TN		300A
Japser, TN		300A
Jellico, TN		294A
South Pittsburg,TN		300C2 or 300A
Vergennes,VT	292A	294C2
LaCrosse, WI	227, 240A and 285A.	227, 239C2 and 285A

20. Interested parties may file comments on or before February 28, 1985, and reply comments on or before March 15, 1985, and are advised to read the Appendix for the proper procedures. Additionaly, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows:

Calhoun Proponents

Dr. Leon Gresham, c/o Abbott B. Lipsky, Jr., King & Spalding, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006–4706

Emma Jo Stocks, c/o Robert B. Jacobi, Cohn and Marks, Suite 600, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036

Julia N. Frew, Route 4, Cartersville, Georgia 30120

Louis Frey, Jr., 139 Genius Drive, Winter Park, Florida 32789

Corbin, Kentucky

Crawford Broadcasting, Inc., c/o Marvin Rosenberg, David G. Rozzelle, Fletcher, Heald & Hildreth, 1225 Connecticut Avenue, NW., Suite 400, Washington, D.C. 20036

Vergennes, Vermont

Radio Vergennes, Inc., c/o William M. Barnard, Kenkel, Barnard & Edmundson, P.C., 1220 19th Street, NW., Washington, D.C. 20036

East Ridge, Tennessee

Louis Todd, c/o Sterling Communications, Inc., Uptain Building, Suite 418, Chattanooga, Tennessee 37411

Roy Davis, c/o Omni Communications, One Regency Square, Suite 450, Knoxville, Tennessee 37915

Jasper, Tennessee

Roy Davis, c/o Omni Communications, One Regency Square, Suite 450, Knoxville, Tennessee 37915

Jellico proponents

Forrest Dean Coleman, c/o Richard J. Hayes, Jr., Box 38 Star Route No. 3, Phippsburg, Maine 04562

John Clifton, Indian Mountain Rd., Jellico, Tennessee 37762

James F. Stair II, 503 Westbury Drive, Clinton, TN 37716

Robert Maiden, Fifth Street, Jellico, Tennessee 37762

LaCrosse, Wisconsin

May Broadcasting Company, c/o James A. McKenna, Jr., McKenna, Wilkinson, & Kittner, 1150 17th Street, NW., Washington, DC 20036

Jacksonville proponents

June G. Fuss, 425 Meadowbrook Drive, McDonough, GA 30253

James Jarman, 3219 Carey Road, Apt. 4A, Kinston, NC 29501

Eric R. Spencer, 405 Washington Avenue, Vinton, VA 24179

Brad M. Kelley, P.O. Box 537, Franklin, KY 42134

James Caspers, Jr., 5106 Wrightsville Avenue, Wilmington, NC 28403

Chuck Harris, Vice President, Capital City Communications, 7221 Russell Road, Durham, NC 27705

Harold Foster, P.O. Drawer AM, Jacksonville, NC

George W. Bott, President, Krisar, Inc., P.O. Box 98, Guilderland Center, NY 12085

Kinston proponent

Farmers Broadcasting Service, Inc., c/o Booth, Freret & Imlay, Suite 520, 1920 N Street, NW., Washington, DC 20036

21. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

22. For further information concerning this proceeding, contact Mark Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85–1613 Filed 1–18–85; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 90

[PR Docket No. 85–6; RM–4834; FCC 85–8]

Application Processing Procedures for the 800 MHz Private Land Mobile Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a *Notice of Proposed Rule Making*

proposing the amendment of Part 90 Subpart M of the rules governing the application processing procedures for the 800 MHz private land mobile band, in order to encourage the expansion of fully loaded trunked systems.

DATES: Comments are due by February 22, 1985 and replies by March 11, 1985.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nia Chirigos Cresham, Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch (202) 634–2443.

SUPPLEMENTARY INFORMATION: List of Subjects in 47 CFR Part 90.

Private Land Mobile Radio Services, Radio.

Notice of Proposed Rule Making

In the Matter of Amendment of Part 90 Subpart M of the Commission's Rules Governing the Application Processing Procedures for the 800 MHz Private Land Mobile Band (PR Docket No. 85–6; RM–4834).

Adopted: January 7, 1985.
Released: January 15, 1985.

By the Commission.

Introduction

1. This proceeding concerns the amendent of the Commission's rules governing the application processing procedures for the 806–821 MHz and 851–866 MHz private land mobile bands.[1] In light of the many proceedings which have contributed to the release of the 800 MHz spectrum and the establishment of rules to govern that spectrum, we believe it would be helpful to summarize the evolution of our current processing procedures.

Background

2. In June of 1970, the Commission determined to reallocate 115 MHz of spectrum in the 806–947 MHz band to land mobile use.[2] Private land mobile radio received 600 channels.[3] Of these 600 channels, the first 300 channels were made available according to the type of technology or "system" to be employed: 200 channels were allocated for trunked systems and 100 channels were allocated for conventional systems. Applicants for trunked systems could apply for assignment of 5, 10, 15 or 20 channels, while applicants for conventional systems could only apply for maximum assignments of 5 channels. The reason for the greater number of trunked channels and the larger assignments for trunked systems was that the Commission recognized that trunking technology was more efficient than conventional technology since it allowed a greater number of users of mobile radios to be accommodated on a given number of channels.

3. By 1978, the 100 channels designated for conventional use had been assigned in all the major metropolitan areas. In order to alleviate the shortage, the Commission issued an *Order* which released for conventional use 50 of the remaining 300 channels reserved for private land mobile radio.[4] In addition, by late 1979 there was also a shortage of the trunking channels in the major metropolitan areas. Due to the lack of available channels, "waiting lists" began to form for the trunked channesl in the more congested areas.[5]

4. On July 22, 1982, the Commission adopted a *Second Report and Order* in Docket No. 79–191 that released the remaining 250 private land mobile radio channels. These channels were grouped into four service categories: 70 channels for Public Safety/Special Emergency, 50 channels for Industrial/Land Transportation, 50 channels for Business and 80 channels for Specialized Mobile Radio (SMR) systems. The users in each of these categories could choose trunked or conventional technology, but an applicant requesting more than 5 channels was required to trunk them. SMRS applicants were limited to receiving 5 channels at a time to maximize the immediate implementation of channels assigned.[6]

5. The *Second Report and Order* also established a uniform loading standard of 70 mobiles for conventional systems and modified the procedures for trunked systems. The Commission determined not to assign more than 5 channels to a single licensee in any market area until the first 5 channels reached a 90% loading level. Due to the many changes established in the *Second Report and Order*, the Commission allowed existing trunked systems, as well as applicants for previously allocated 800 MHz trunked channels, to operate under the old rules contained in Subpart M, Part 90 of our rules, for a period of 5 years.[7] Existing trunked systems licensed under Subpart M would be governed by that subpart until September 1, 1987 when all 800 MHz systems would be governed by Subpart S,[8] which would govern the newly released frequencies.

6. Finally, the *Second Report and Order* delineated the procedures for the filing and processing of applications for the 800 MHz channels. Applicants on waiting lists for the already released conventional channels were permitted to modify their applications and still keep their place in the processing line.[9] Applications on waiting lists for already released trunked channesl were to be processed in order of receipt as frequencies became available. The waiting lists were comprised of both existing licensees of fully loaded trunked systems seeking to expand, and potential licensees seeking to enter the market by establishing new systems. These waiting list applications were not considered for the newly released channels, but the waiting list applicants were permitted to submit new applications if they wished to be considered for the newly released channels.[10] The filing window for the remaining 250 or "new" channels was set from November 15, 1982 through December 15, 1982. Those applications which were acceptable for filing were to be processed in order of receipt. If more applications were received than there were frequencies available for assignment in an area, all applications would be treated as if they were received at the same time.

7. On April 11, 1983, the Commission issued Public Notice 3526, which stated that applications were filed for more new channels than were available for assignment in the commercial (SMRS) pool in 15 areas. The Public Notice also stated that on April 1, 1983 the Commission began accepting additional applications for the new channels, except in the commercial pool in those 15 areas. The Commission also enunciated the future procedures for the new channels in that Public Notice. All applications filed on the same date for

[1] 47 CFR 90.360 and 90.611.

[2] *First Report and Order and Second Notice of Inquiry*, Docket No. 18262, 35 FR 8644 (June 4, 1970).

[3] *Second Report and Order*, Docket No. 18262, 46 FCC 2d 752 (1974); reconsidered, *Memorandum Opinion and Order*, Docket No. 18262, 51 FCC 2d 945 (1975).

[4] *Order*, Docket No. 18262, 43 FR 35394 (August 9, 1978).

[5] The application processing procedures adopted in the *Second Report and Order* in Docket No. 18262 *supra*, provided that applications on waiting lists would be processed on a "first-in, first-out" basis.

[6] For a discussion of why the channels were divided into pools and why SMRS applicants were limited to five channels at a time, *see Second Report and Order*, Docket No. 79–191, 47 FR 41,002 (September 16, 1982). *Also see generally, Notice of Proposed Rule Making*, Docket No. 79–191, 44 FR 50,876 (August 30, 1979); *Report and Order*, Docket No. 79–191, 45 FR 81204 (December 10, 1980); *Further Notice of Proposed Rule Making*, Docket No. 79–191, 46 FR 37,927 (July 23, 1981).

[7] *Second Report and Order*, Docket No. 79–191, at paragraph 113; 47 CFR 90.360.

[8] *Id.* at footnote 78, page 37; 47 CFR 90.611.

[9] *Id.* at paragraph 203.

[10] Once a grant was made however, either from the old or the new channels, the second application was dismissed and the applicant could not apply for frequencies again until the newly granted channels were loaded to the prescribed number of mobile stations.

an area would be considered together. If there were sufficient channels available on that date, all the applications would be granted. If there were not sufficient channels to grant all applications filed on the same date for an area, applicants would vie for the channels by comparative hearing or lottery and all applications which were filed after that date for that area would be dismissed. This procedure created a "day-to-day window", since an application would be accepted only on dates when frequencies were available. There is no waiting list for the new channels. This is in contrast to the procedures for the 350 original or old channels which have had waiting lists since 1979.

On November 1, 1983, the Commission released a *Memorandum Opinion and Order* in Docket No. 79–191 which responded to several requests for reconsideration, reversal or clarification of various aspects of the *Second Report and Order*.[11] On the issue of trunked system loading, the Commission decided to allow existing licensees to apply for admission to the waiting list for the 200 trunked channels governed by Subpart M (the old channels) when they reached the 70% loading level. To receive additional channels they had to be 80% loaded.[12] The Commission also decided to maintain the maximum assignment of 5 channels for trunked systems to insure rapid utilization of spectrum although it acknowledged that this was counter-productive to the greatest efficiencies from trunking, which occur in the largest systems.[13] Finally, the *Memorandum Opinion and Order* discussed the comparative criteria to be applied to the commercial pool applicants in the 15 areas where the number of applicants was greater than the number of available new channels governed by Subpart S. The applicants would be judged on two criteria: (1) Whether the proposed system was trunked or conventional, and (2) whether the application submitted was to expand a fully loaded trunked system. If the proposed system were trunked, it would receive one comparative point. If it were both trunked and expanding a fully loaded system, it would receive the maximum of two comparative points. These comparative criteria were established in order to encourage the expansion of fully loaded existing trunked systems and the development of new trunked systems. Applications would be ranked based on the number of comparative points, and grants would be made first to those with the highest number of points. If sufficient channels were not available in a geographic area to grant all SMRS applications with the same number of comparative points, grants among the tied groups would be made by lottery.[14]

9. The Commission currently maintains waiting lists of applicants for the original 200 trunked channels, governed by Subpart M, in areas where there are no frequencies available for assignment. These lists are comprised of both existing fully loaded licensees and new applicants. There is no preference given to existing licensees who seek to expand their systems because the assignments are made on a "first in, first out" basis. The Commission does not maintain waiting lists for the newly released 250 channels, governed by Subpart S. In areas where there are more applicants than assignable frequencies, the applications are subject to comparative criteria, and if necessary, placed in a lottery. A preference is given to existing fully loaded trunked systems seeking to expand their systems.

Petition for Rule Making

10. On July 20, 1984, the Commission received a Petition for Rule Making filed by Advanced Radio Communications Services of Florida, Inc., Transi-Tronics, Inc. and B & L Service Company (Petitioners).[15] The Petition requests that the Commission amend its rules concerning the processing of applications for 800 MHz SMR systems. The Petitioners request that the waiting lists for the old 200 channels be limited to licensees of existing fully loaded trunked systems and that applications proposing the establishment of new SMR systems be prohibited. Those applicants proposing new systems which are already on a waiting list for old channels would be "grandfathered" and their applications would be retained by the Commission. However, they would not be considered for assignment if there were any fully loaded trunked systems waiting for a channel assignment. The Petitioners point out that in areas where there are channels available there would be no need for a waiting list of any sort and any type of application would be accepted for filing.

11. The Petitioners raise a number of arguments in favor of amending the rules. First they argue that the Commission's policies should favor the expansion of trunked systems because trunking provides the user with a higher grade of service than conventional systems by reducing the amount of time a user must wait for a channel and reducing the probability of blockage or interruption. The Petitioners also point out that the Commission's policy limiting trunked frequency assignments to 5 channels makes the establishment of larger, more efficient SMR systems difficult, and has resulted in fewer of those spectrally efficient systems being implemented. The proposal would change that by prioritizing applications for trunked systems and applications expanding existing trunked systems.

12. The Petitioners also claim that the waiting lists for the old 200 channels have become too lengthy. Since our rules require existing systems to reach 70% loading in order to be placed on a waiting list, most of the existing applicants are preceded on the list by applicants seeking new systems. The Petitioners argue that the assignments are not based on the actual needs of the public, since new applicants may be ranked higher than existing licensees who have crowded systems and need to expand in order to adequately serve their current users.

13. The Petitioners wish to amend the rules governing the assignment of both old and new channels. The Commission's current practice is to return applications for new channels in areas where there are no frequencies available. The Petitioners argue that this process encourages repetitive submissions of identical applications by applicants attempting to file on the exact day that frequencies become available.

14. Finally, the Petitioners claim that by amending the processing procedures to give first priority to applications for the expansion of loaded trunked systems, the Commission would promote the use of spectrum efficient systems. Under the amended rules, the petitioners argue that the systems with the greatest need would be accorded the highest priority, and that this would encourage full use of the spectrum and better service to the public.

Proposal

15. We have reviewed the arguments made by the Petitioners and have determined to initiate a rule making proceeding. We have long recognized that the use of trunking technology increases spectrum efficiency. We have also recognized that larger trunked systems are more efficient than trunked systems using fewer channels. In Docket No. 79–191, however, we restricted assignments of trunked frequencies to five channels at one time in order to

[11] *Memorandum Opinion and Order*, Docket No. 79–191, 48 FR 51917 (November 15, 1983).

[12] *Id.* at paragraphs 13 and 14.

[13] *Id.* at paragraph 10.

[14] *Id.* at paragraph 36.

[15] Each of the Petitioners is licensed to operate as an SMR system in Southern Florida.

allow more licensees into the market and to promote competition.[16] As a result of this action there has been a rapid increase in the number of systems offering private carrier services. This growth has created a shortage of spectrum in the major metropolitan areas, and has resulted in the use of waiting lists for old trunked frequencies in the largest urban centers. There are currently approximately 440 trunked SMR system applications on the waiting list to obtain frequencies. Forty-two of these are existing systems which have surpassed the 70% loading level and are seeking to expand. The rest are for new systems. We feel that these numbers demonstrate substantial competition in the offering of private carrier service. They also demonstrate the strong demand for high quality mobile communications systems.

16. We are currently in the process of conducting comparative selection proceedings and lottery proceedings for the new SMRS frequencies in areas where the number of applications exceeded the number of available frequencies. There are 16 five channel blocks to be designated to SMRS applicants in each of these cities. These designations would add a minimum of 16 new SMR systems in each metropolitan area, and could actually add more than 16 systems due to the Commission's geographic re-use standards. For example, the Commisison was able to license 58 new SMR systems in the Detroit/Cleveland area after a lottery. These new SMR systems will compete with the SMR systems which already exist in the major market areas. In light of this existing and potential competition, we think it is appropriate to consider taking additional steps to encourage the use of larger, more efficient trunked systems because larger systems would increase spectrum efficiency and provide a higher quality of communications service.

17. The Private Radio Bureau has traditionally employed the use of waiting lists for the assignment of channels in areas where there is a shortage of available frequencies. We have found this method to be equitable and easy to administer. The Petitioners have asked that this approach be retained but modified to give a preference to fully loaded trunked SMR systems. The Petitioners also asked that the use of a preference and waiting list combination be applied to the new frequencies where there are no waiting lists.

18. In light of our comparative selection proceedings and lottery proceedings in the new 800 MHz frequencies, we are not persuaded that an amendment to our application processing procedures for this spectrum is appropriate at this time. However, we are persuaded by the Petitioners' arguments that some modification should be made to our waiting list and application processing procedures for the old 200 trunked channels. We allocated these 200 channels for all systems using trunked technology. Because any Part 90 eligible requesting trunked frequencies may apply for these channels, the waiting list should not be limited to SMRS applicants only, as proposed by the Petitioners, but instead should be open to all private land mobile eligibles.

19. Therefore, we propose to provide a preference to all applicants seeking to expand fully loaded trunked systems on the old 200 frequencies governed by Subpart M. This approach would be consistent with our comparative selection and lottery proceedings currently being implemented where the number of applications exceeds the number of frequencies available in the commercial pool. The preference would be given to all fully loaded trunked systems on the waiting list for the old 200 trunked frequencies and to new applicants for these frequencies that seek to expand fully loaded trunked systems.

20. The Commission currently recovers unused or underutilized channels from systems located in geographic areas where all frequencies have been assigned.[17] For example, if a system has failed to meet the required loading level of 70 percent within its specified time period, the authorization for any channels which are not loaded to 100 mobile stations each will cancel authomatically.[18] However, once the unloaded channels have been reclaimed, the system could be fully loaded due to its reduced number of channels and under the proposed procedures, the system could be placed above applications for new systems already on the list. Consequently, the same system that had channels taken away for insufficient loading could be immediately eligible to receive additional channels. This is clearly an undesirable result. Therefore, we propose that where a trunked system has failed to meet our minimum loading standards and has had authorized channels reclaimed, that system would not be allowed on the waiting list for a period of one year from the date of channel cancellation. Although systems that had channels taken back would have to wait one year to access the waiting list, they would still benefit from the proposal because once eligible, they would be placed ahead of requests for new systems on the list.

21. We realize that by granting preference to fully loaded trunked systems, we may be to a certain extent foreclosing some new entrants from obtaining frequencies in the major metropolitan areas. However, as pointed out above there are already substantial numbers of SMR systems in major urban centers. Since these existing systems are often unable to expand because they cannot secure additional spectrum, their subscribers are denied both the full benefits of high quality service which trucking can provide and the diversity of service offerings which can exist when larger numbers of channels are available. This has resulted in less efficient service to the users on these systems. We believe it would be in the public interest to encourage the expansion of these systems in order to increase spectrum efficiency and provide a higher quality of mobile communications service.

22. We would review the existing waiting list in accordance with our current proposals. Applications on the waiting list would be ranked in descending order according to the following priorities:

(1) Applications from entities expanding fully loaded trunked systems.[19]

(2) All other applications.

Applications within each of these two groups would be placed in chronological order, based on the date of receipt at the Licensing Division of the Private Radio Bureau in Gettysburg, Pennsylvania. Frequencies would be granted to the highest ranking eligible applicant which is able to use them, based on the site specified and the Commission's mileage separation standards.

23. This approach would provide for the orderly, expeditious and equitable assignment of the old 200 trunked frequencies as they become available by combining the use of comparative selection and chronological waiting lists. In addition, it allows fully loaded trunked systems to expand and to provide more service to a greater number of users.

[16] *Second Report and Order*, Docket No. 79-191, *supra*.

[17] *See*, 47 CFR 90.388 and 90.631.

[18] *Id.*

[19] Applications loaded to 70 mobiles per channel will be eligible for admission on the waiting list. Only applications loaded to 80 mobiles per channel will be eligible to receive additional frequencies.

Initial Regulatory Flexibility Analysis

24. The Commission believes that its rules governing the application processing procedures for private land mobile radio system in the 800 MHz band should be revised in order to encourage larger and more effective use of radio by enhancing the ability of existing licensees to expand their operations and provide more efficient service to the public. The proposed rules would administer the assigment procedures for the old 200 trunked frequencies governed by Subpart M in an equitable manner that is consistent with our comparative preference used in the commercial pool for the new frequencies.

25. The action proposed is in furtherance of sections 4(i), 303(g), and 403 of "The Communications Act of 1934, as amended."

26. This action may impact both small and large businesses, licensees and users since it will give priority to fully loaded trunked systems requiring additional frequencies in areas where frequencies are unavailable. While this will make the acquisition of frequencies in these areas slightly more difficult for new entrants, it will promote spectrum efficiency by creating larger trunked systems and will serve the needs of users who are currently on congested systems. Most of these users are small businesses. Therefore, on balance, we believe the favorable impacts outweigh those that may be unfavorable. However, we invite comments from interested parties which specifically address this initial regulatory flexibility analysis.

27. This action does not impose any new requirement on private land mobile radio licensees and users.

28. There are no federal rules which overlap, duplicate or conflict with this rule.

29. There are no significant alternatives which minimize the impact on small entities and are consistent with the stated objectives.

Procedural Matters

30. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentatin is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding, must prepare a written summary of that presentation. On the day of that oral presentation, a written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

31. Authority for issuance of this *Notice of Proposed Rule Making* is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to the procedures set out in persons may file comments on or before February 22, 1985, and reply comments on or before March 11, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that the fact of the Commission's reliance on such information is noted in the report and order.

32. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street, NW., Washington, D.C.

33. For further information concerning this rule making contact Nia Chirigos Cresham of the Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 634–2443.

(Secs. 4, 303, 48 stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Willaim J. Tricarico,

Secretary.

Appendix

PART 90—[AMENDED]

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

In Part 90, Private Land Mobile Radio Services, § 90.360(c) is revised to read as follows:

§ 90.360 Processing of applications.

* * * * *

(c) Each application will then be reviewed to determine whether it can be granted. Frequencies may be specified by the applicant pursuant to the applicable provisions of § 90.621 of the rules or the applicant may elect to have the Commission select the frequencies. Frequencies will be selected in accordance with the Commission's assignment policies and loading criteria. If the application cannot be granted due to a lack of available frequencies, the application will be placed in queue on a waiting list. Applications will be ranked in two groups of descending priority. The first group is comprised of all trunked systems with 70 mobiles per channel. Only those systems with 80 mobiles per channel will be assigned additional frequencies. The second group is comprised of all other applicants. Each application will be placed in its appropriate group in the order it was received at the Licensing Division in Gettysburg, Pennsylvania. When frequencies become available they will be assigned to the highest ranked application which is eligible to use them, based on channel loading, the site specified, and the Commission's mileage separation standards. Trunked systems which have had authorized channels reclaimed due to a failure to meet the loading requirements in § 90.366 or § 90.631, will not be permitted on the waiting list as fully loaded expanding systems for a period of one year from the date of channel cancellation.

* * * * *

[FR Doc. 85–1612 Filed 1–18–85; 8:45 am]

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Notices

Federal Register
Vol. 50, No. 14
Tuesday, January 22, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Lower Winooski River Watershed, VT; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Winooski River Watershed, Chittenden and Addison Counties, Vermont.

FOR FURTHER INFORMATION CONTACT: John C. Titchner, State Conservationist, Soil Conservation Service, 69 Union Street, Winooski, Vermont 05404, telephone (802) 951–6795.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environement. As a result of these findings, John C. Titchner, State Conservationist has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection and water quality improvement. The planned works of improvement include conservation land treatment and agricultural waste management practices.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John C. Titchner, State Conservationist.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

January 10, 1985.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Raymond N. Brown, Jr.,

Acting State Conservationist.

[FR Doc. 85–1582 Filed 1–18–85; 8:45 am]

BILLING CODE 3410–16–M

ARMS CONTROL AND DISARMAMENT AGENCY

Visiting Scholars Program

The U.S. Arms Control and Disarmament Agency (ACDA) will conduct a competition for selection of visiting scholars to participate in ACDA's activities during the 1985–86 school year.

Section 28 to the Arms Control and Disarmament Act (22 U.S.C. 2561 et seq.) provides that "A program for visiting scholars in the field of arms control and disarmanent shall be established by the Director [of the U.S. Arms Control and Disarmament Agency] in order to obtain the services of scholars from the faculties of recognized institutions of higher learning."

The law states that "The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Agency's activities an opportunity for active participation in the arms control and disarmanent activities of the Agency and to gain for the Agency the perspective and expertise such persons can offer. * * * Fellows shall be chosen by a board consisting of the Director, who shall be the chairperson, and all former Directors of the Agency." In honor of the first Director of ACDA, William C. Foster, who served from the inception of ACDA in 1961 to 1969 and died on October 15, 1984, scholars will now be known as William C. Foster Fellows.

ACDA initially implemented this program by competitively selecting six visiting scholars for the 1984–85 school year to perform specific activities at ACDA for which their services had been identified as being needed. It is intended that the process will be repeated this year with one-year assignments beginning at a mutually agreeable time during the period from July to mid-September 1985 for the positions in ACDA's four bureaus described in the Appendix to this announcement. Note that the emphasis is on the expertise and service which the visiting scholars can provide rather than on general interest in arms control and the pursuit of the scholars' own research.

It is planned that the visiting scholars will be assigned by detail and compensated in accordance with the Intergovernmental Personnel Act. In addition to pay based on their regular salary rates, the visiting scholars will receive travel to and from the Washingon, D.C. area for their one-year assignment and either a per diem allowance during the one-year assignment or relocation costs.

Visiting scholars must be citizens or nationals of the United States and on the faculty of a recognized institution of higher learning. Prior to appointment they will be subject to a full-field background security and loyalty investigation for a top secret security clearance including access to Restricted Data, as required by Section 45 of the Arms Control and Disarmament Act. Visiting scholars also will be subject to applicable Federal conflict of interest laws and standards of conduct.

Selections will be made without regard to race, color, religion, sex, national origin, age, or physical handicap which does not interfere with performance of duties, and all qualified persons are encouraged to apply. Applications should be in the form of a letter indicating the position(s) in which the applicant is interested and the perspective and expertise which the applicant offers. The letter should be accompanied by a completed Federal Standard Form 171, Personal Qualifications Statement, and any other materials such as letters of reference and samples of published articles which

the applicant believes should be considered in the selection process. (If published materials are submitted, it is requested that they be provided in twelve copies, if possible.)

Applications, and any requests for additional information, should be sent to: Visiting Scholars Program, Attention: Personnel Officer, Room 5722, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451. The application deadline for assignments for the 1985–86 school year is March 8, 1985, subject to extension at ACDA's option. Announcement of selection, subject to security clearance procedures, is expected around April 1, 1985.

Dated: January 16, 1985.

William J. Montgomery,

Administrative Director.

Appendix

A. Visiting Scholar Assignments to the Bureau of Multilateral Affairs of ACDA

1. Description of the Bureau of Multilateral Affairs

The Bureau of Multilateral Affairs (MA) has primary responsibility within ACDA for arms control issues dealt with in multilateral fora. The Conference on Disarmament (CD), the Mutual and Balanced Force Reduction (MBFR) negotiations, the Conference on Disarmament in Europe (CDE), and the United Nations General Assembly (UNGA) are the most important examples. MA provides both technical backstopping and diplomatic support to these substantive activities as well as to other negotiations which seek to ban radiological weapons, to study negative security assurances, to limit military expenditures, to research nuclear weapon free zones, and to eliminate chemical and biological weapons.

2. Nature of Assignment

After the Soviet Union walked out of the Geneva bilaterals, the multilateral talks were, for some time, the only ongoing arms control negotiations in which the United States was involved. These talks have ranged a broad front of the nonnuclear spectrum of the national interest: conventional forces, chemical weapons, confidence-building measures, plus nuclear issues such as test ban and prevention of nuclear war. This fact alone highlights the importance of the multilateral arena as an arms control forum.

A visiting scholar assigned to MA would analyze multilateral arms control negotiations for the purpose of assessing their past and future roles within the larger framework of U.S. national security policies. The scholar would use ACDA/MA documents, plus secondary sources, to record the origins and momentum of multilateral arms control and to analyze the causes of its successes and failures. Secondly, the scholar would assess the contemporary functioning of multilateral arms control to determine both long-range strategies and short-term tactics toward a working policy on multilateralism in service of the national interest.

3. Candidate Qualifications

This project would best be undertaken by a historian or social scientist who has had experience with documentary research, oral history techniques, and organizational analysis. Previous experience and research on arms control and national security issues would be valuable.

B. Visiting Scholar Assignments to the Bureau of Nuclear and Weapons Control of ACDA

1. Description of the Bureau of Nuclear and Weapons Control

The Bureau of Nuclear and Weapons Control (NWC) has responsibility for nuclear non-proliferation issues and participates in the development of nuclear policy, the review of nuclear exports, support of the international safeguards system, and promotion of the non-proliferation regime including the Nuclear Non-Proliferation Treaty and the Treaty of Tlatelolco. NWC also assesses the arms control implications of proposed arms transfers and technology transfers, and prepares Arms Control Impact Statements on U.S. programs and guides them through the interagency review process. In addition, NWC is responsible for ACDA's economic analysis work and coordinates publication of *World Military Expenditures and Arms Transfers.*

2. Nature of the Assignment

A visiting scholar assigned to NWC would work on issues related to transfers of conventional arms, with emphasis on arms transfers to the Near East. Because of the complex political-military issues involved, the individual should have a strong background in national security studies or international relations, and extensive knowledge of the Near East.

The visiting scholar's responsibilities would include the preparation of analyses and recommendations on the arms control implications of U.S. arms transfer policies and particular transfers to the Near East. The position would involve close coordination with arms transfer officials in the Departments of State and Defense and other concerned agencies. In carrying out assigned duties, the individual would need a high degree of judgment and initiative and would be expected to function effectively with minimum direct guidance and supervision.

3. Candidate Qualifications

Desirable attributes for a candidate would include an understanding of the role of arms control in national security planning, familiarity with conventional weapons characteristics and capabilities, knowledge of political-military issues in the Near East, highly developed analytical ability, and facility in written and oral communications.

C. Visiting Scholar Assignments to the Bureau of Strategic Programs of ACDA

1. Description of the Bureau of Strategic Programs

The Bureau of Strategic Programs (SP) has responsibility for ACDA's participation in bilateral negotiations and diverse other matters including ACDA participation in U.S. decisions regarding research and development on ballistic missile defenses. These negotiations include strategic and theater nuclear arms control, space arms control, meetings of the Standing Consultative Commission (SCC), and preparation for the periodic Anti-Ballistic Missile (ABM) Treaty review. SP has two divisions: Strategic Affairs and Theater Affairs.

2. Nature of the Assignment

A visting scholar assigned to SP would assist in policy formation in one or more of the areas cited above. Because of the high technical content in these areas, SP seeks a physical scientist with a broad theoretical or applied background.

The visting scholar's responsibilities would include drafting position papers, background studies, and policy analyses, both for use within ACDA and for coordination with other agencies such as the Central Intelligence Agency, the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the Department of State, in Interagency Groups. In some cases, the individual would represent ACDA on interagency working groups. The visiting scholar would be called upon to exercise a relatively high degree of individual judgment in developing policy recommendations. There may be an opportunity to volunteer to serve on the staff of U.S. delegations to arms control negotiations. The most likely area of concentration for the visiting scholar would be strategic arms reduction

policy, but this could vary according to the scholar's background and the needs of ACDA/SP.

3. Candidate Qualifications

Specific useful background for a candidate would include: knowledge of basic physics, facility in concise writing, general communication skills, and proven ability to innovate. Background in areas of SP responsibility would be of value but is not a requirement.

D. Visiting Scholar Assignments to the Bureau of Verification and Intelligence of ACDA

1. Description of the Bureau of Verification and Intelligence

The Bureau of Verification and Intelligence (VI) has responsibility for ACDA's work in verification, compliance, intelligence, operations analysis, and computer support. VI provides the support in these subject areas for the strategic and theater nuclear arms control negotiations; the Standing Consultative Commission (SCC); the Anti-Ballistic Missile (ABM), SALT I and SALT II Treaties; the Limited Test Ban Treaty (LTBT) and Threshold Test Ban Treaty (TTBT); and the agreements on chemical and biological weapons.

2. Nature of the Assignment

A visiting scholar assigned to VI would assist in the development of verification requirements for arms control agreement being negotiated; in the review of compliance with agreements in effect; in operations analysis of relevant arms control issues; and/or in the analysis of Soviet views. Because of the complex technical and analytical content in these areas, VI seeks a physical scientist, operations analyst, or expert in Soviet strategy and doctrine with a broad background.

The visiting scholar's responsibilities would include performing studies, drafting policy papers, and/or performing analyses both for use within ACDA and for coordination with other agencies such as the national Security Council, the Central Intelligence Agency, the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the Department of State, in Interagency Groups. In some cases, the individual would represent ACDA on interagency working groups. The visiting scholar would be called upon to exercise a relatively high degree of individual judgment.

3. Candidate Qualifications

Specific useful background for a candidate would include: knowledge of basic physics, aerospace systems, operations research, or Soviet strategic studies, facility in concise analytical writing, general communication skills, and proven ability to innovate. Background in the areas of VI responsibility would be of value but is not a requirement.

[FR Doc. 85-1626 Filed 1-18-85; 8:45 am]

BILLING CODE 6820-32-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-002]

Chloropicrin From the People's Republic of China; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On November 16, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on chloropicrin from the People's Republic of China. The review covers the one known Chinese exporter and one known third-country reseller of this merchandise to the United States and the period September 19, 1983, through January 31, 1984.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: January 22, 1985.

FOR FURTHER INFORMATION CONTACT: Maureen Flannery or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1984, the Department of Commerce ("the Department") published in the Federal Register (49 FR 45466) the preliminary results of its administrative review of the antidumping duty order on chloropicrin from the People's Republic of China (49 FR 10691, March 22, 1984). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of chloropicrin, also known as trichloronitromethane. A major use of the product is as pre-plant soil fumigant. Chloropicrin is currently classifiable under items 408.1600, 408.2900, and 425.5290 of the Tariff Schedules of the United States Annotated.

The review covers the one known Chinese exporter, China National Chemicals Import and Export Corporation (SINOCHEM), and one known third-country (Hong Kong) reseller, William Hunt & Co. (International) Ltd., of this merchandise to the United States and the period September 19, 1983, through January 31, 1984.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review remain unchanged from the preliminary results of review, and we determine that the following weighted-average margins exist for the period September 19, 1983, through January 31, 1984:

Exporter/third country reseller (country)	Margin (percent)
SINOCHEM	58
SINOCHEM/William Hunt & Co. (International) Ltd. (Hong Kong)	[1]58

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 58 percent shall be required on all shipments of Chinese chloropicrin entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1))

and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

January 8, 1985.

[FR Doc. 85-1624 Filed 1-18-85; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments; University of Chicago

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-052R. Applicant: The University of Chicago, 5735 S. Ellis Avenue, Chicago, IL 60637. Instrument: GC/Mass Spectrometer/Data System, Model 7250 EHF. Original notice of this resubmitted application was published in the **Federal Register** of January 27, 1984.

Docket No. 84-101R. Applicant: University of Texas at Austin, Department of Chemistry, Austin, TX 78712. Instrument: Time-Correlated Single Photon Counting Spectrometer. Original notice of this resubmitted application was published in the **Federal Register** of March 20, 1984.

Docket No. 84-119R. Applicant: Davidson College, Department of Chemistry, Davidson, NC 28036. Instrument: Time-Correlated Single Photon Counting Spectrometer. Original notice of this resubmitted application was published in the **Federal Register** of April 6, 1984.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-1623 Filed 1-18-85; 8:45 am]

BILLING CODE 3510-DS-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket 85-C0002]

Honeywell, Inc., a Corporation; Provisional Acceptance of a Settlement Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a Settlement Agreement under the Consumer Product Safety Act.

SUMMARY: Under requirements of 16 CFR 1118.20(e), the Commission must publish in the **Federal Register** consent agreements which it provisionally accepts under the Consumer Product Safety Act. Published below is a provisionally-accepted Settlement Agreement with Honeywell, Inc., a corporation.

DATE: Any interested person may ask the Commission not to accept this agreement by filing a written request with the Office of the Secretary by February 6, 1985.

ADDRESS: Persons wishing to comment on this Settlement Agreement should send written comments to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC. 20207.

FOR FURTHER INFORMATION CONTACT: Eric Stone, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC. 20207; telephone (301) 492-6626.

Dated: January 16, 1985.

Sheldon D. Butts,

Deputy Secretary.

SUPPLEMENTARY INFORMATION:

Consumer Product Safety Commission

Settlement Agreement and Order

In the matter of Honeywell, Inc., a corporation.

1. This agreement is made by and between Honeywell, Inc., a corporation ("Honeywell" or "Respondent"), and the staff of the Consumer Product Safety Commission (the "staff"). This Settlement Agreement and Order is a compromise resolution of certain disputed claims regarding the V8280, V8139, and V5130 families of gas controls, without a hearing or determination of issues of law and fact.

The Parties

2. Respondent Honeywell, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal corporate offices at Honeywell Plaza, 2701 Fourth Avenue South, Minneapolis, Minnesota 55408.

3. Respondent is a manufacturer, as that term is defined in section 3(a)(4) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2052(a)(4), of certain combination gas controls which it has distributed in commerce.

4. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory commission established by Congress pursuant to section 4 of the CPSA, 15 U.S.C. 2053.

Positions of the Parties

5. The United States Department of Justice at the request of the Commission has filed a civil penalty case against Honeywell in the *United States* District Court for the District of Minnesota involving the V8280 controls described in paragraph 9, below, (United States v. *Honeywell, Inc.* Civ. No. 3-84-196). In addition, the staff has completed an investigation of Honeywell's V8139 (WWI) family of combination LP (liquid petroleum) gas controls and claims that a reporting violation exists.

The V8139 (WWI) Controls

6. The staff alleges that Honeywell manufactured and sold certain combination controls that use the same pilotstat body and that are or were intended for use with LP gas fueled appliances (the "combination controls" or "controls"). These combination controls included the following model numbers: V8139, C5133, C5134, CS5133, CS5134, V4136, V4146, V5118, V7283, V8129, V8137, V8146, VS8133, VS8141, and VS8138.

7. The staff further alleges that over a period of several years Honeywell became or should have become aware of a defect or defects in these controls through engineering tests and examinations of controls and at least 35 complaints and lawsuit alleging that failure of the controls' safety valves had caused several deaths, severe personal injuries or property damage to consumers. The staff alleges Honeywell examined several of the controls involved in such incidents and discovered or should have discovered the defect or defects. In addition, the staff alleges that a determination in a 1976 product liability case that a V8139 control was defective supports the conclusion that a defect existed which could create a substantial product hazard. *Shaffer* v. *Honeywell;* 249 N.W.2d 251 (S.D. Sup. Ct. 1976).

8. From September 1978 through March 1979, Honeywell submitted four reports of individual V8139 gas control lawsuits filed during that period. The staff alleges that the reports did not fully inform the Commission of the incident

history of the controls, the *Shaffer* decision, or previous problems with the controls in accordance with section 15(b) of the CPSA, 15 U.S.C. 2064(b) and 16 CFR 1115.13(d). The staff claims that Honeywell obtained sufficient information to reasonably support the conclusion that these controls contained a defect which could create a substantial product hazard but failed to report that information to the Commission in a timely manner as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

The V8280 Controls

9. As set forth in more detail in the complaint in *(United States* v. *Honeywell, Inc.,* Civ. No. 3–84–196 U.S. D.C., Minnesota) (incorporated by reference herein), the Commission has alleged that Honeywell obtained information indicating the existence of a reportable defect in certain combination gas controls, including by not limited to, the following models: C5283, C5193, C5290, V4277, V5245, V5267, V5269, V5272, V8277, V8289, VS8194A, C5230, CS5230, V4265, V5260, V8263, V8265, C5259, V4257, V5234, V5236, V8257, V8265, VS8233, V5261, V5221, V8235, V8280, C5216, V4280, V4292, V8292, V8243, VS8279, V5217, and VS8291. The Commission and Honeywell, for convenience, have referred to these controls as the V8280 family. The staff alleges that Honeywell failed to report such information to the Commission in a timely manner as required by section 15(b) of the CPSA, 15 U.S.C. 206(b).

10. The staff further alleges that all of the devices identified in paragraphs 6 and 9 (hereinafter "subject controls") are "consumer products" as that term is defined in section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1), since they are (1) sold to consumers for their use in home heating appliances, (2) manufactured for use as component parts of such heating appliances which are in turn sold to consumers, and (3) used by consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

11. Honeywell denies the staff's allegations that the subject controls contain defects; that it obtained information which reasonably supported the conclusion that the subject controls contain a defect or defects which could create a substantial product hazard; that it failed to report information to the Commission in a timely manner pursuant to section 15(b) of the CPSA, 15 U.S.C. 2064(b); and each and every other legal and factual allegation of the staff in paragraphs 6–9, and in the complaint filed by the Commission concerning these controls.

Agreement of the Parties

12. Honeywell and the staff agree that the Commission has jurisdiction over the subject matter and parties to this proceeding for purposes of entry and enforcement of this Settlement Agreement and Order. Honeywell makes no concession or admission concerning Commission jurisdiction in any other proceeding or action.

13. In settlement of the claims regarding the V8139 and V8280 referred to in paragraph 5, hereof and without admitting the above allegations, Honeywell agrees to pay to the U.S. Treasury, a civil penalty sum of $800,000 within 30 days of the final acceptance of this Settlement Agreement and service of the Commission's Order on Honeywell. This penalty payment is a compromise of disputed claims relating to the V8139 and V8280 controls and relates only to those two controls; this agreement is made without admission of any fault or liability by Honeywell. In accepting this Settlement Agreement and Order, the Commission does not make any determination that the subject controls contain a defect which could create a substantial product hazard or that a violation of the CPSA has occurred.

14. The Commission agrees, by accepting this agreement and issuing the attached Order, to seek dismissal of *United States* v. *Honeywell, Inc.* upon payment of the amount set forth in paragraph 13, above. The Commission further agrees that it shall not seek a civil penalty pursuant to the Consumer Product Safety Act for the alleged failures to report set forth in paragraphs 6 through 9 of this Agreement and the Complaint in the *United States* v. *Honeywell, Inc.* Civ. No. 3–83–196. Honeywell waives issuance of a complaint in the V8139 matter.

15. Honeywell and the Commission agree that this Settlement Agreement does not establish any legal or factual conclusions and neither the Settlement Agreement nor any action taken pursuant to it shall be construed as a precedent in any future legal or administrative actions or proceedings.

16. Respondent Honeywell knowingly, voluntarily and completely waives any rights it may have in these matters (1) to an administrative or judicial hearing (2) to seek judicial review or otherwise to challenge or contest the validity of the Commission's Order, (3) to a determination by the Commission that a violation has occurred, and (4) to a statement of findings of facts and conclusions of law.

17. The allegations and responses pertaining to the allegations set forth in paragraphs 5 through 11 pertaining to a failure by Respondent Honeywell to report in a timely manner pursuant to section 15(b) of the CPSA, 15 U.S.C. 2064(b), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), shall be settled as to the Respondent without any finding of law and fact, upon final acceptance by the Commission of this Settlement Agreement and Order and compliance by Honeywell with its terms.

18. The staff agrees to close, and does hereby close, its investigation concerning whether Honeywell failed to report, pursuant to Section 15(b) of the CPSA, the defects alleged by the staff in the amended Complaint in *In the Matter of Honeywell, Inc.,* CPSC No. 84–1 in the V5130 water heater controls. The staff further agrees that it shall not seek a civil penalty for failure to report, pursuant to Section 15(b) of the CPSA, information concerning the function of the safety valve of the V5130 control that is actually known to the staff as of the date of final acceptance of this Agreement and entry of the final Order.

Honeywell agrees to report to the staff all lawsuits and claims involving personal injury or property damage involving the V8280, V8139 or V5130 gas controls within 10 days of receipt of information regarding such lawsuit or claim.

19. Upon execution of this Agreement by Respondent and the staff, and provisional acceptance by the Commission, this Settlement Agreement and Order will be placed on the public record in the Commission's public calendar and in the **Federal Register** pursuant to 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Agreement and Order will be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**, 16 CFR 1118.20(f).

20. Upon final Commission acceptance of this Settlement Agreement and Order, the Commission shall enter the incorporated Order and make the Settlement Agreement and Order available for public review at the Office of the Secretary, Consumer Product Safety Commission. This Settlement Agreement and Order becomes effective only upon such final acceptance by the Commission and service upon Respondent.

21. The parties further agree that the incorporated Order be issued under the CPSA, 15 U.S.C. 2051 *et seq.,* and that a violation of the Order will subject Respondent to appropriate legal action.

22. No agreement, understanding, representation, or interpretation not contained in this Settlement Agreement and Order may be used to vary or to contradict its terms.

23. Nothing in this agreement should be construed as limiting Honeywell's obligation to make reports pursuant to section 15(b) of the CPSA.

24. Each provision of this Settlement Agreement and Order is separable. In the event of litigation involving compliance with the terms of the Order, the issues will be restricted to those raised by the interested parties; the resolution of those issues will affect only the pertinent parts of the Order; the Settlement Agreement may be used to interpret the terms of the Order; and the parties will be obligated by the judicially construed parts of the Settlement Agreement and Order as if they were part of the original Settlement Agreement and Order.

Honeywell, Inc.

Jerre L. Stead,

Consented to by:

David Schmeltzer,

Associate Executive Director, Directorate for Compliance and Administrative Litigation.

Order

Upon consideration of the Settlement Agreement of the parties it is hereby

Ordered that the Respondent shall pay within 30 days of final acceptance of this final Settlement Agreement and entry of this Order, a civil penalty in the sum of $800,000 to the Consumer Product Safety Commission for transference to the U.S. treasury.

Provisionally accepted on 15th day of January 1985.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 85-1601 Filed 1-18-85; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Thursday & Friday, 7 & 8 February 1985.

Times of meeting: 0830-1700 hours, 7 February; 0830-1600 hours, 8 February (Closed).

Place: U.S. Army Atmospheric Sciences Laboratory (ASL), White Sands Missile Range, New Mexico.

Agenda

The Army Science Board Ad Hoc Subgroup on U.S. Army Atmospheric Sciences Laboratory Effectiveness Review will meet for a classified overview of ASL to ensure its continued excellence by providing independent evaluation on problems and causes of deficiences, if any. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202)695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85-1641 Filed 1-18-85; 8:45 am]

BILLING CODE 3710-08-M

Finding of No Significant Impact (FNSI); Environmental Assessment for the Chemical Agent Monitor (CAM)

Pursuant to regulations implementing procedural provisions of the National Environmental Policy Act (40 CFR 1508.13), the Department of the Army gives notice that a Life Cycle Environmental Assessment has been prepared for the Chemical Agent Monitor (CAM); a system intended to detect, identify, and quantify chemical agents and warn personnel of their presence.

The system consists of one CAM, one carrying case, one carrying strap, one confidence test kit, two batteries and two stand-off collars. Each CAM contains two radioactive components: a 10 millicurie nickel-63 plated metal cylindrical foil that serves as an ionization source and a 500 millicurie gaseous tritium light source sealed in pyrex glass.

There are not significant environmental impacts anticipated as a result of development, production, deployment, use or disposal of the CAM. The CAM does not present a radiation hazard as long as the radioactive components remain intact. Both sources emit only beta radiation which is effectively shielded by the modules in which they are installed. Stringent safety guidelines outline recommendations to be followed in case the radioactive component is damaged, although probability of damage in handling is considered remote. A Nuclear Regulatory License will be acquired for the CAM prior to issue to the field. There are no known inconsistencies or conflicts of the program with existing or proposed federal, state, and local land and water use plans, policies, laws and controls, including the Clean Air Act and Federal Water Pollutions Control Act and the Resource Conservation Recovery Act. All waterborne effluents, solid, and liquid waste materials will be disposed of as outlined in the environmental Assessment.

A copy of the Life Cycle Environmental Assessment of the CAM is available for public review of AMCCOM Public Affairs Office in the Edgewater Area of Aberdeen Proving Ground. Written comments may be provided to: Headquarters, Chemical Research and Development Center, ATTN: SMCCR-CBC (Mr. Robert M. Gamson), Aberdeen Proving Ground, MD 21010-5423 (Telephone 301-671-2971/2972), within 30 days of the publication of the Finding of No Significant Impact (FNSI).

Robert D. Orton,

Colonel, GS, Chief, Chemical and NBC Defense Division.

[FR Doc. 85-1607 Filed 1-18-85; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board Steering Committee; Meeting Cancellation

The following meeting of the Army Science Board Steering Committee which was originally announced in the **Federal Register** of Wednesday, 9 January 1985 (50 FR 1103), Federal Register document number 85-576 has been cancelled:

Meeting dates: Thursday and Friday 31 January and 1 February 1985.

Place: U.S. Army Western Command (WESTCOM), Honolulu, Hawaii.

John O. Roach, II,

DA Liaison Officer with the Federal Register.

[FR Doc. 85-1696 Filed 1-18-85; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Meeting Cancellation

The following meeting of the Army Science Board ad hoc sub group on Soldier Research Issues which was originally announced in the **Federal Register** issue of Monday 31, December 1984 (49 FR 50767), Federal Register document number 84-33820, has been cancelled: Meeting dated Tuesday &

Wednesday 22 & 23 January 1985 (and Thursday 24 January 1985 if necessary).

Place: Presidio of Monterey, California.

John O. Roach, II,

DA Liaison Officer with the Federal Register.

[FR Doc. 85-1695 Filed 1-18-85; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages

AGENCY: Department of Education.

ACTION: Notice of proposed annual funding priorities, required activities, and restriction on the use of funds for fiscal year 1985.

SUMMARY: The Secretary of Education (the Secretary) proposes annual funding priorities for nationally significant project grants to be funded under the Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages. The Secretary proposes to reserve funds under this program for the development of technology demonstration programs and teacher training projects in the areas of mathematics, science, and computer learning. The Secretary futher proposes to give a competitive preference to: (1) LEAs, or consortia of LEAs, proposing to establish or improve magnet school programs for gifted and talented students, and (2) applicants proposing to provide special services to historically underserved and underrepresented populations in the fields of mathematics and science. In the event that funds remain available after awards have been made for the specific priorities above, consideration may be given to funding unsolicited grant applications.

For the purposes of this notice, the Secretary proposes annual funding priorities for nationally significant project grants in the areas of mathematics, science, and computer learning. A separate grant competition for critical foreign language grants will be announced in a separate notice published in the **Federal Register.**

DATE: Comments must be received on or before February 21, 1985.

ADDRESS: Comments should be addressed to the Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 4181, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Patricia Alexander, Office of the Secretary. Telephone: (202) 472-1762.

SUPPLEMENTARY INFORMATION:

Program Information

Section 212, Title II of the Education for Economic Security Act (EESA), Pub. L. 98-377 (20 U.S.C. 3972), authorizes the Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages. The EESA was enacted to help meet the needs identified in "A Nation At Risk: The Imperative for Educational Reform," the report of the National Commission on Excellence in Education, and other national reports. Specifically, "A Nation At Risk" details a need to reverse the decline in mathematics and science competency in this country. This decline results in part from a shortage of qualified teachers as well as a reduction in the number of students taking courses in mathematics and science. Mathematics, science, computer technology, and foreign languages have a special importance in this country because continuing development in these areas is vital to the economic security of the Nation. In order to maintain economic strength, the skills of citizens in these fields must not be permitted to decline further. The purpose of the Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages is to reverse this decline by funding projects designed to have nationwide impact in these critical areas.

Funding Priorities

The Secretary proposes to reserve funds under this program for:

(1) *Technology Demonstration Projects.* Ten to fifteen grants will be awarded for projects that develop and make effective use of new technologies to improve instruction and learning in mathematics, science, and computer learning at the elementary and secondary school level.

The Secretary is particularly interested in projects that can demonstrate:

—Improvement in instruction through curriculum development;

—Exemplary teacher inservice training and retraining methods and programs which utilize new and existing technological resources; or

—Increased student achievement in mathematics and science through the use of technology in the classroom.

It is expected that each one-year award under this priority will range from $50,000 to $100,000.

(2) *Teacher Training Projects.* Ten to fifteen grants will be awarded for projects designed to:

—Improve teacher recruitment and retention;

—Improve teacher qualifications and skills;

—Improve curricula including instructional materials and equipment; and

—Increase access for historically underserved and underrepresented populations to instruction in mathematics, science, and computer learning.

The Secretary is interested in receiving applications designed to improve and strengthen the qualifications and skills of elementary and secondary teachers in the use of technology for classroom instruction, and is particularly interested in the application of technology to mathematics and science instruction.

Required Activities

The Secretary proposes to require certain activities as a condition for funding under both priorities. Projects proposed for funding must:

(a) Serve as models for improving the quality of teaching and learning in mathematics, science, and computer learning;

(b) Demonstrate the effectiveness of these programs for both students and teachers; and

(c) Include a final case study of the project that is suitable for widespread distribution and possible utilization by schools, districts, and education policymakers.

The Secretary encourages applicants in planning for the project evaluation to adhere to standards that will enable the project to be disseminated and replicated nationwide.

Restriction on Use of Funds

Under § 755.34 of the proposed regulations, the Secretary may restrict the amount of funds used for a grant under this program to purchase equipment. For the purposes of the competition described in this notice, no more than ten percent of the total cost of the project may be used to purchase equipment.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priorities required activities, and restriction on the use of funds. Written comments and recommendations may be sent to the

address given at the beginning of this document. All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 4181, 400 Maryland Avenue, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 3972)

(Catalog of Federal Domestic Assistance Number 84.168, for the Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages)

Dated: January 11, 1985.

Gary L. Jones,

Acting Secretary of Education.

[FR Doc. 85-1564 Filed 1-18-85; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

Veterans' Cost-of-Instruction Payments Program; Payments to Institutions of Higher Education; Application Notice for New Awards for Fiscal Year 1985

Applications for new awards are invited from institutions of higher education under the Veterans' Cost-of-Instruction Payments (VCIP) Program. This program issues awards to institutions or consortia of institutions of higher education to assist them in providing specific services to veterans.

Authority for this program is contained in Section 420 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070e-1)

Closing date for transmittal of applications: Applications for the Veterans' Cost-of-Instruction Payments (VCIP) Program must be mailed or hand-delivered by May 10, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Office of Postsecondary Education, Division of Higher Education Incentive Programs (VCIP), Attention: 84.064, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first-class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the Division of Higher Education Incentive Programs (VCIP), U.S. Department of Education (Room 3022-ROB-3), 7th and D Streets, S.W., Washington, D.C.

The Division of Higher Education Incentive Programs will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (daylight time) daily, except Saturdays, Sundays, and Federal holidays.

Program information: This program provides funds to institutions of higher education for the educational needs of veterans. Institutions use their award to establish and maintain an Office of Veterans Affairs that provides outreach and recruitment activities, counseling and tutorial services, and special programs for eduationally disadvantaged veterans.

Available funds: Congress has appropriated $3,000,000 for the Veterans Cost-of-Instruction Payments Program for new awards in fiscal year 1985.

Application forms: Program information packages and application forms are expected to be ready for mailing by March 1, 1985. They may be obtained by writing to the U.S. Department of Education, Office of Postsecondary Education, Division of Higher Education Incentive Programs (VCIP), Room 3022 (ROB-3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. These forms are approved under the Paperwork Reduction Act of 1980 (Approved by OMB under control number 1840-0054).

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary suggests that the narrative statements of the application not exceed five pages in length. The Secretary further suggests that only information required by the application form be submitted.

Applicable regulations: The regulations applicable to this program include the following:

(1) Regulations governing the Veterans' Cost-of-Instruction Payments to Institutions of Higher Education (34 CFR Part 629); and

(2) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: For further information contact the U.S. Department of Education, Office of Postsecondary Education, Division of Higher Education Incentive Programs (VCIP), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-3253

(20 U.S.C. 1070e-1)

(Catalog of Federal Domestic Assistance Number 84.064; Higher Education Veterans' Cost-of-Instruction Program (VCIP)

Dated: January 15, 1985.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 85-1563 Filed 1-18-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Inventions Available for License

The Department of Energy hereby announces a number of inventions available for license, in accordance with 35 U.S.C. 207-209, in order to achieve expeditious commercialization of results of federally funded research and development. For further information concerning licensing of the inventions, please contact Robert J. Marchick, Office of the Assistance General Counsel for Patents, Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585.

Copies of the listed U.S. patents may be obtained for a modest fee, from the U.S. Patent and Trademark Office, Washington, D.C. 20231.

Signed at Washington, D.C. on this 10th day of January, 1985.

United States Department of Energy.

Theodore J. Garrish,

General Counsel.

Patent No. and Title

4,271,361—Arsenic Activation Neutron Detector

4,276,235—Method for Purifying Bidentate Organophosphous Compounds
4,278,886—In-Line Assay Monitor for Uranium Hexfluoride
4,281,985—Automatic Thermocouple Positioner for Use in Vacuum Furnaces
4,285,992—Process for Preparing Improved Silvered Glass Mirrors
4,289,967—Multianode Cylindrical Proportional Counter for High Count Rates
4,290,967—Process for Recovery of Palladium from Nuclear Fuel Wastes Reprocessing
4,291,193—Self-Monitoring High Voltage Transmission Line Suspension Insulator
4,292,083—High Temperature, Low Expansion, Conversion Resistant Ceramic Gas Turbine
4,292,265—Method for Preparing Porous Metal Hydride Compacts
4,292,287—Method for Directly Recovering Fluorine from Gas Streams
4,292,378—Thermal Regeneration of an Electrochemical Concentration Cell
4,292,539—Compensated Count-Rate Circuit for Radiation Survey Meter
4,296,274—High Voltage Bushing Having Weathershed and Surrounding Stress Relief Collar
4,299,648—Method and Apparatus for Drawing Monocrystalline Ribbon from a Melt
4,300,980—Overlapping Double Etch Technique for Evaluation of Metallic Alloys to Stress Corrosion Cracking
4,301,312—Method and System for Ethanol Production
4,302,939—Solid State Engine Using Nitinol Memory Alloy
4,305,779—Method for Polishing Nickel-Base Alloys and Stainless Steels
4,305,801—Line-of-Sight Deposition Method
4,306,004—Electrode for Electrochemical Cell
4,308,750—Method and Apparatus for Determining Diameter and Wall Thickness of Minute Activation Neutron Detector
4,309,467—Composition for Use in High-Temperature Hydrogen-Fluorine Environments and Method for Making the Composition
4,313,070—Single Crystal Metal Wedges for Surface Acoustic Wave Propagation
4,313,259—Method For Manufacturing an Electrochemical Cell
4,313,424—Solar Heating System
4,313,500—Sacrificial Adsorbate for Surfactants Utilized in Chemical Floods of Enhanced Oil Recovery Operations
4,313,925—Thermochemical Cycle System for Decomposing H_2O and/or CO_2 by Means of Cerium-Titanium-Sodium-Oxide Compounds
4,315,059—Molten Salt Lithium Cells
4,317,087—Apparatus for Improving the Working Time of the XeBr Laser
4,321,158—Backfill Composition for Secondary Barriers in Nuclear Waste Repositories
4,322,880—Method of Fabricating a Prestressed Cast Iron Vessel
4,324,846—Negative Electrode Composition
4,325,217—Solid State Engine Alternating Motion
4,326,741—Dye Filled Security Seal
4,327,592—Hydrostatic Bearings for a Turbine Fluid Flow Metering Device
4,328,106—Method for Inhibiting Silica Precipitation and Scaling in Geothermal Flow Systems
4,328,423—Canister Arrangement for Storing Radioactive Waste
4,330,920—Method for Manufacturing Magneto-Hydrodynamic Electrodes
4,333,021—Transient Stability Enhancement of Electric Power Generating Systems by 120-Degree Phase Rotation
4,333,355—Pressure Balanced Drag Turbine Mass Flow Meter
4,334,579—Method for Uniformily Distributing Carbon Flakes in a Positive Electrode, The Electrode Made Thereby and Compositions
4,336,338—Hollow Microspheres of Silica Glass and Method of Manufacture
4,337,142—Continuous Process for Conversion of Coal
4,340,503—Catalyst for Converting Synthesis Gas to Light Olefins
4,340,652—Ternary Compound Electrode for Lithium Cells
4,343,206—Slide System for Machine Tools
4,343,763—Heat Transfer System
4,344,449—Fast-Acting Valve and Uses Thereof
4,345,173—Method of Generating Electricity Using an Endothermic Coal Gasifier and MHD Generator
4,345,194—Control System to Reduce the Effects of Friction in Drive Trains of Continuous-Path-Positioning Systems
4,346,560—Multi-Stage Flash Degaser
4,346,605—Magnetic Flowmeter for Electrically Conductive Liquid
4,348,356—Reactor Vessel Support System
4,349,249—Compound Lens
4,349,505—Neutral Beamline with Ion Energy Recovery Based on Magnetic Blocking of Electrons
4,349,506—Thermomagnentic Burn Control for Magnetic Fusion Reactor
4,349,907—Broadly Tunable Picosecond IR Source
4,350,040—Capacitance Level/Density Monitor for Fluidized-Bed Combustor
4,353,205—Primary Zone Air Proportioner
4,353,218—Heat Pump/Refrigeration Using Liquid Working Fluid
4,353,561—Self-Aligning Lathe Chuck Jaws
4,353,650—Laser Heterodyne Surface Profiler
4,353,788—RF Sputtering for Preparing Substantially Pure Amorphous Silicone Monohydride
4,358,930—Method of Optimizing Performance of Rankine Cycle Power Plants
4,359,349—Method for Heat Treating Iron-Nickel-Chromium Alloy
4,359,608—Adaptive Sampler
4,360,760—Electrostatic Quadrupole Array for Focusing Parallel Beams of Charged Particles
4,362,660—Mercuric Iodate Precipitation from Radioiodine-Containing Off Gas Scrubber Solution
4,363,776—Method and Apparatus for the Formation of a Spheromak Plasma
4,367,159—Method for Uniformly Distributing Carbon Flakes in a Positive Electrode, The Electrode Made Thereby and Compositions
4,373,867—Pressure Charged Airlift Pump
4,389,568—Method for Monitoring Irradiated Nuclear Fuel Using Cerenkov Radiation
4,390,008—Hot Water Tank for Use with a Combination of Solar Energy and Heat-Pump Desuperheating
4,392,080—Means and Method for the Focusing and Acceleration of Parallel Beams of Charged Particles
4,421,982—Apparatus and Method for Downhole Injection of Radioactive Tracer
4,432,345—Receiver for Solar Energy Collector Having Improved Aperture Aspect

[FR Doc. 85-1639 Filed 1-18-85; 8:45 am]
BILLING CODE 6450-18-M

Economic Regulatory Administration

[Docket No. IE-78-6]

Application By Northern States Power Company To Amend the Electricity Export Authorization

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of an Application filed by Northern States Power Company (NSP) for an amendment of the electricity Export Authorization issued by the Economic Regulatory Administration (ERA) in 1979.

SUMMARY: NSP has petitioned ERA to amend and modify its order in Docket

No. IE–78–6 to authorize new export provisions agreed to between NSP and the Manitoba Hydro Electric Board (MHEB) and the Manitoba Energy Authority (MEA).

FOR FURTHER INFORMATION CONTACT:

Anthony J. Como, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA–033, 1000 Independence Avenue SW, Washington, D.C. 20585, (202) 252–5883

Lise Courtney M. Howe, International Trade and Emergency Preparedness, Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–167, 1000 Independence Avenue SW, Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: On November 21, 1984, NSP petitioned ERA to amend and modify its order in Docket No. IE–78–6 to authorize new electricity export provisions agreed to between NSP and the MHEB and the MEA. The new contract takes effect in 1993 shortly after the expiration of the existing agreement and provides for the purchase and sale of energy through the year 2005. The only change from the existing contract regarding the export of electricity is that the price of electricity delivered to Manitoba shall be NSP's cost of providing such energy plus the average percentage mark-up NSP received from energy sales made to U.S. utilities during the previous 12-month period, or 10 percent of NSP's cost of providing such energy, whichever is greater. Under the existing contract, Manitoba's purchase price is 110 percent of NSP's incremental costs.

The facilities to be used for the delivery of the exports under the new contract are the same as those used under the existing contract and authorization. Additionally, the number of kilowatt hours obligated for export under the new contract is the same as under the existing contract and authorization.

Any person desiring to be heard or to protest this application to amend the authorization to export electric energy in Docket No. IE–78–6 should file a petition to intervene or protest with the Economic Regulatory Administration, Room GA–033, Forrestal Building, Washington, D.C. 20585, in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed on or before February 15, 1985. Protests will be considered by ERA in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application will, upon request, be made available for public inspection and copying at the Department of Energy's Freedom of Information Reading Room, Room IE–190, Forrestal Building, Washington, D.C., from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Issued in Washington, D.C. on January 9, 1985.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–1640 Filed 1–18–85; 8:45 am]

BILLING CODE 6450–10–M

Federal Energy Regulatory Commission

[Docket Nos. CP85–196–000, et. al.]

Natural Gas Certificate Filings Columbia Gas Transmission Corporation et al.

Take notice that the following filings have been made with the Commission:

1. Columbia Gas Transmission Corporation, and Columbia Gulf Transmission Company

[Docket No. CP85–196–000]

January 15, 1985

Take notice that on December 26, 1984, Columbia Gas Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325, and Columbia Gulf Transmission Company, (Columbia Gulf, P.O. Box 683, Houston, Texas 77001, (referred to jointly as Columbia) filed in Docket No. CP85–196–000 a joint request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Weirton Steel Corporation (Weirton Steel), for use as boiler fuel and process gas under authorization issued in Docket Nos. CP3–76–000 and CP3–496–000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 10 billion Btu of natural gas per day for Weirton Steel's West Virginia plant until June 30, 1985.[1] Columbia states that the gas to be transported would be purchased from Gas Systems Network, Inc. The transportation agreement specifies the points of receipt by columbia Gulf and the point of redelivery by Columbia Gas to Mountaineer Gas company, the distribution Company serving Weirton Steel.

Columbia Gulf states that it would charge one of the Rates in its rate Schedule T–2 for its transportation service: offshore to Kentucky—23.92 cents per dt equivalent of gas and retain 1.69 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas; lateral onshore to Kentucky—14.28 cents per dt equivalent of gas and retain 1.50 percent; Rayne, Louisiana, to Kentucky—12.76 cents per dt equivalent of gas and retain 1.50 percent; and Corinth, Mississippi, to Kentucky–6.38 cents per dt equivalent of gas and retain 0.75 percent.

Columbia Gas states that it would charge one of the rates in its Rate Schedule T–1 for its transportation service: gas received from Columbia Gulf at Leach, Kentucky—21.16 cents per dt equivalent and gas received from Columbia Gulf at receipt points other than Leach, Kentucky—20.93 cents per dt equivalent provided the volumes are within the sellers's customers total daily entitlements (TDE). However, Columbia Gas states it would charge 32.50 cents per dt equivalent for gas it receives from Columbia Gulf at Leach Kentucky; and 41.27 cents per dt equivalent for gas received from receipt points other than Leach, Kentucky if the volumes are in excess of the seller's customer TDE's. Columbia Gas further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. In addition, Columbia Gas states it would collect the General R&D Funding Unit of the Gas Research Institute for all quantities transported under the transportation arrangement.

Comment date: March 1, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Southern Union Gas Company, a Division of Southern Union Company, Applicant, and El Paso Natural Gas Company, Respondent

[Docket No. CP73–57–000]

January 15, 1985.

Take notice that on December 18, 1984, Southern Union Gas Company, a Division of Southern Union Company (Southern Union), 400 West 15th Street, Suite 900 Austin Texas 78701, and El Paso Natural Gas Company (El Paso),

[1] Identified a Group Two Gas in Exhibit Z–5 of the request.

P.O. Box 1492, El Paso Texas 79978, filed in Docket No. CP73–57–000 a joint petition to amend the Commission's order issued February 20, 1974 in Docket No. CP73–57 pursuant to Section 7(a) of the Natural Gas Act so as to remove certain service restrictions under which El Paso sells gas to Southern Union for resale to Southern Union's Borger, Texas, area customers, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioners state that the February 20, 1974, order directed El Paso to sell and deliver to Southern Union through existing facilities off its then Southern Division System, up to 9,000 Mcf natural gas per day, not to exceed 1,100,000 Mcf annually, for resale by Southern Union to its Borger, Texas, area residential and small customers, subject to the following conditions:

(1) The service will be used only to offset the supply deficiencies of Southern Union in the Borger, Texas, area occurring after the full use of all of its other available supplies; and

(2) The service will be reduced or terminated immediately upon attachment by Southern Union of additional or new supplies, or by any other means, permitting Southern Union adequately to serve its residential and small commercial customers in the Borger, Texas, area.

Petitioners state that Southern Union presently has a service agreement with Western Gas Interstate Company (WGI), under which WGI can furnish virtually all of Southern Union's natural gas requirements for the Borger, Texas, area. The rate, however, at which Southern Union can purchase gas from WGI is said to be substantially higher than the rate which Southern Union can purchase gas from El Paso. It is stated that El Paso is willing to sell up to 9,000 Mcf of natural gas per day, not to exceed 1,100,000 Mcf annually, to Southern Union for resale to all classes of Southern Union's customers in the Borger, Texas, area. Petitioners state that Southern Union is desirous of purchasing said gas from El Paso. Since Southern Union is not permitted to purchase gas from El Paso for its Borger area distribution system if it can purchase gas from any other supplier, Petitioners request an amendment to the February 20, 1974, order so as to remove the restriction on sales and purchases.

Comment date: February 4, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Sea Robin Pipeline Company

[Docket No. CP85–189–000]

January 15, 1985.

Take notice that on December 20, 1984, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85–189–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Texes Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Texas Gas from a point of receipt in Eugene Island Block 273, offshore Louisiana, at an existing subsea tap on Applicant's pipeline in Block 273, for delivery to Columbia Gulf Transmission Company for the account fo Texas Gas at the outlet side of Applicant's existing measuring station near Erath, Louisiana. Applicant would transport up to 500 Mcf of natural gas per day on a firm basis pursuant to a gas transportation agreement dated September 12, 1984. The proposed service, it is said, would provide Texas Gas with a means of transporting an additional supply of natural gas without its having to construct and operate duplicative facilities.

Applicant states that Texas Gas would pay a monthly demand charge as well as commodity charge as provided for on Sheet No. 4–A of Applicant's FERC Gas Tariff, Original Volume No. 1. Applicant states further that Texas Gas would pay a transportation charge for the transportation of liquids and liquefiable hydrocarbons.

Comment date: February 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. Transcontinental Gas Pipe Line Corporation

[Docket No. CP82–255–006]

January 15, 1985.

Take notice that on December 20, 1984, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82–255–006 a petition to amend the Commission's order of September 20, 1982, in Docket No. CP82–255–000, issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act so as to authorize transportation of natural gas from an additional source for Southern Natural Gas Company (Southern), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Transco is currently transporting for Southern, on an interruptible basis, up to 12,000 dekatherm equivalent per day of natural gas produced from various wells in West Oakvale Field, Lawrence and Jefferson Davis Counties, Mississippi. The transportation agreement between the parties dated January 28, 1982, which forms the basis for the September 20, 1982, order, provides for Transco to receive such gas at the points of interconnection between the facilities of Transco and Southern's producer sellers at the following West Oakvale wells:

Wells	Location
Sheila Ward	Sec. 25, T. 6N., R. 20W.
Aultman	Sec. 30, T. 6N., R. 19W.
Virgil Barnes	Sec. 31, T. 6N., R. 19W.
Robert Meyers #1	Sec. 36, T. 6N., R. 20W.
Robert Meyers #2	Sec. 36, T. 6N., R. 20W.
Melvin Jones	Sec. 36, T. 6N., R. 20W.

Transco delivers an equivalent quantity of gas to Southern at the point of interconnection between Southern and Transco in Livingston Parish, Louisiana.

Transco herein requests authority to transport gas from the R. L. Williamson G.U. #1 Well, West Oakvale, Lawrence County, Mississippi, for Southern. It is asserted that 41.453 percent of the gas from Williamson #1 is committed to Southern by contract with Callon Petroleum Company. Transco would receive the gas at the interconnection between the facilities of Transco and Southern located at the Hunt Oil Company treating facility in Lawrence County, Mississippi.

Comment date: February 4, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. Midwestern Gas Transmission Company

[Docket No. CP85–163–000]

January 15, 1985.

Take notice that on December 10, 1984, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85–163–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Rate Schedule T–3 transportation service for Northern States Power Company (NSP), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that is was authorized to render the subject transportation service for NSP in Docket

No. CP73–234 to enable NSP to receive peak shaving gas that it producd in the St. Paul, Minnesota, area to meet winter peak needs in NSP's Fargo and Grand Forks, North Dakota, distribution area. It is stated that under the arrangement, Northern Natural Gas Company, Division of InterNorth, Inc., reduced its deliveries to NSP in the St. Paul area by an amount equivalent to the peak shaving volumes produced by NSP and transported and delivered equivalent volumes to Applicant for the account of NSP. Applicant states that it then delivered equivalent volumes to NSP, by displacement, in the Fargo and Grand Forks area.

Applicant states that the underlying transportation agreement expired by its own terms on March 28, 1984, and that neither Applicant nor NSP wishes to extend the service.

Comment date: February 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. Northwest Pipeline Corporation

[Docket No. CP85–195–000]

January 15, 1985.

Take notice that on December 21, 1984, Northwest Pipeline Corporation (Northwest), P.O. Box 8900, Salt Lake City, Utah 84108–0900, filed in Docket No. CP85–195–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of Mountain Fuel Resources, Inc. (Resources), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest proposes to transport, on a best-efforts basis, up to 25,000 Mcf of natural gas per day for Resources pursuant to a gas transportation agreement dated April 6, 1984, as amended. It is stated that Resources would tender natural gas to Northwest for transportation from existing points of interconnection between Northwest's and Resources' transmission facilities in Sweetwater County, Wyoming (Crossover 16 Receipt Point), and in Daggett County, Utah (Clay Basin Receipt Point). Northwest would then transport and redeliver thermally equivalent volumes, less fuel and losses, to Resources at the South Lake Meter Station which would be located in the Hogback area of Rich County, Utah.

The first stage of the transportation service would involve Northwest's using its mainline transmission facilities to move Resources' gas from the Crossover 16 or the Clay Basin Receipt Points to the interconnection of Northwest's mainline with its exising South Lake Trunk A in Rich County, Utah. The second stage of the transportation service would involve Northwest's transporting Resources' gas through its South Lake Trunk A to a point of interconnection with Resources' 12-inch pipeline, and through approximately 5 miles of Resources' pipeline which Northwest has leased from Resources, and then delivering the gas to Resources at the proposed South Lake Meter Station.

Northwest states it would construct and operate the South Lake Meter Station pursuant to a certificate issued September 1, 1982, in Docket No. CP82–433–000 authorizing the construction and operation of gas supply facilities. Northwest further states that Resources would reimburse it for all costs incurred in constructing the South Lake Meter Station and in renovating and modifying the South Lake Trunk A.

For all volumes of gas transported on its mainline facilities, Northwest would charge Resources the applicable mainline transportation rate and mainline fuel deduction as set forth on Sheet No. 2 of Northwest's FERC Gas Tariff, Volume No. 2. In addition, Nothwest would charge Resources an incremental rate of 4 cents per MMBtu for transportation through the South Lake Trunk A to the South Lake Meter Station. This incremental rate is said to be a negotiated rate which would result in th recovery of Northwest's annual cost of service of approximately $213,500 for the South Lake Trunk A at a 60 percent load factor.

It is submitted that the gas which Northwest would transport and deliver to Resources at its South Lake Meter Station would be used by Resources to supplement the supplies it otherwise has available to transport through its Main Line No. 60 for resale to Mountain Fuel Supply Company in northern Utah.

Comment date: February 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

7. Columbia Gas Transmission Corporation

[Docket No. CP85–180–000]

January 15, 1985.

Take notice that on December 14, 1984, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP85–180–000 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing continued service, with increased volumes, and new service to one existing customer and continued service, with corresponding decreased volumes, to another existing customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to decrease Acme Natural Gas Company's (Acme) contract demand under Rate Schedule CDS by 762 dt per day from 22,400 dt per day to 22,138 dt per day, to decrease Acme's Rate Schedule WS service by 525 dt per day of maximum daily quantity from 4,200 dt per day to 3,675 dt per day, and to reduce Acme's winter contract quantity in Zone 6 by 47,250 dt from 235,600 dt to 188.350 dt. Applicant further proposes to increase or provide new service to T.W. Phillips Gas and Oil Company (Phillips). Applicant proposes to increase Phillips' contract demand under Rate Schedule CDS by 762 dt per day from 250 dt per day to 1,012 dt per day and to provide new service under Rate Schedule WS consisting of 525 dt per day of maximum daily quantity and 47,250 dt of winter contract quantity in Zone 6.

It is stated that Acme and Phillips have requested these revisions and that the proposed effective date is April 1, 1985. Applicant indicates that the proposed transfer of service is required to provide an adequate supply of natural gas to Phillips' distribution system west of Butler, Pennsylvania.

Comment date: February 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

8. Panhandle Eastern Pipe Line Company

[Docket No. CP85–153–000]

January 14, 1985.

Take notice that on December 6, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 777001, filed in Docket No. CP85–153–000 a request pursuant to Section 157.205 of the Commission Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Kal Kan Foods, Inc. (end user), under the certificate issued in Docket No. CP83–83–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Panhandle proposes to transport gas on behalf of end-user pursuant to a transportation agreement dated November 2, 1984, between Kal Kan Foods, Inc. and Panhandle (agreement). Panhandle states that the agreement provides that Panhandle would receive a transportation quantity of up to 375 Mcf of gas per day on an

interruptible basis, at an existing point of interconnection between Panhandle and Union Texas Products Corporation in Maizor County, Oklahoma. It is also stated that Panhandle would then transport and redeliver such gas, less a four percent reduction for fuel, to Central Illinois Public Service Company (CIPSCO) at an existing point of receipt in Douglas County, Illinois, which in turn would make ultimate delivery to end-user for its use at its Mattoon, Illinois, plant. It is explained that CIPSCO is an existing jurisdictional customer of Panhandle and end-use customer is an existing customer of CIPSCO.

Panhandle states that it would charge its current on-system transporation rate of 42 cents, plus 1.24 cents GRI surcharge, for each million Btu equivanlent of gas delivered hereunder.

Applicant states that the term of the authorization sought herein would be from the date automatic authorization expires (March 4, 1985) until the earlier of (1) eighteen months from the effective date of the agreement, (2) termination of the authorization as provided by Subpart F of Part 157 of the Regulations, or (3) termination of the agreement by either party.

Applicant also seeks flexible authority to add or delete sources of supply as receipt/delivery points, if such altered service is on behalf of the same end-user, at the same end-user location, within the maximum daily and annual volumes authorized in this docket, and under the same terms and conditions authorized for the basis service. Applicant advises that, within 30 days of the addition or deletion of any gas suppliers and/or receipt/delivery points, it would file the following information:

(1) A copy of the gas purchase contract between the seller and the end-user;

(2) A statement as to whether the supply is attributable to gas under contract to and released by a pipeline or distributor and if so, identification of the parties, and specification of the current contract price;

(3) A statement of the Natural Gas Policy Act of 1978 (NGPA) pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(4) A statement that the gas is not committed or dedicated within the meaning of NGPA Section 2(18);

(5) The location of the receipt/delivery points being added or deleted, and the name of the producer/supplier;

(6) Where an intermediary participates in the transaction between the seller and the end-user, the information required by Section 157.209(c)(1)(ix) of the Regulations;

(7) Identity of any other pipeline involved in the transport.

Comment date: February 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1597 Filed 1-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-4-20-000 and TA85-4-20-001]

Algonquin Gas Transmission Co.; Rate Reduction Filing Under Rate Schedules STB, S-IS, and F-2

January 15, 1985.

Take notice that Algonquin Gas Transmission Company ("Algonquin GAS") on January 7, 1985 tendered for filing the following tariff sheets to its FERC GAS Tariff, Second Revised Volume No. 1:

Third Revised Sheet No. 211
Tenth Revised Sheet No. 213
Second Revised Sheet No. 203

Algonguin Gas states that such tariff sheets are being filed to reflect in Algonquin Gas' Rate Schedules STB, S-IS and F-2 decreases in Texas Eastern Transmission Corporation's ("Texas Eastern") respective underlying Rate Schedules SS-ISS-III and FTS.

Algonquin Gas requests that the Commission accept Third Revised Sheet No. 211 and Tenth Revised Sheet No. 213 to be effective November 1, 1984, and Second Revised Sheet No. 203 to be effective January 1, 1985, to coincide with the proposed effective dates of Texas Eastern's rate changes.

Algonquin Gas requests permission to credit the subsequent month's bill following Commission acceptance to effectuate the rate change under Rate Schedules STB and S-IS as of November 1, 1984 and under Rate Schedule F-2 as of January 1, 1985.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission. 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protest should be filed on or before January 22, 1985. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–1551 Filed 1–18–85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85–106–000, et al.]

Illinois Power Co.; Order Accepting for Filing and Suspending Rates, Granting Waiver of Notice Requirements, and Establishing Hearing Procedures

Issued: January 15, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa, Oliver G. Richard III and Charles G. Stalon.

On November 16, 1984, as supplemented on December 13 and December 20, 1984,[1] Illinois Power Company (Illinois) submitted for filing an executed power coordination agreement intended to govern the coordinated operation or pooling of power among Illinois and two generation and transmission membership cooperatives, Soyland Power Cooperative, Inc. (Soyland), and Western Illinois Power Cooperative, Inc. (WIPCO).[2] The proposed agreement provides for the common use of certain generation, transmission, and subtransmission facilities, coordinated construction, coordinated purchase and sale of interchange power, and central dispatching. Illinois is to provide a pool control center and be responsible for the day-to-day dispatching and operation of the pool. Under the proposed agreement, Soyland and WIPCO would have the right to firm purchases equalling 10.7% of Illinois' fossil fuel generating capacity.[3] The agreement provides that fixed costs for Illinois' capacity are to be billed using a comprehensive formulary rate, which includes a fixed rate of return, administrative fee, and energy adder. Each party to the agreement is to be responsible for its share of pool energy costs and for providing sufficient accredited capability dedicated to the pool so as to meet its own load plus required reserves. Any party which is deficient in its capacity obligation is to obtain additional capacity to meet the deficiency. Illinois, with the concurrence of Soyland and WIPCO, requests waiver of the notice requirements to permit the proposed agreement to become effective, without suspension on January 1, 1985, the effective date provided for in the agreement.

Notice of the filing was published in the **Federal Register** (49 FR 47,326), with comments due on or before December 11, 1984. No comments or interventions have been filed.

Discussion

Initially, we note that Illinois proposes to increase both the fixed administrative fee and the energy adder in 1993 under the terms of the agreement. In addition, the proposed power coordination agreement provides that Soyland and WIPCO are to reimburse Illinois for their share of the dispatching costs, using some unspecified method to be reviewed from time to time by the Operating Committee. We here advise Illinois that implementation of any changes to the administrative fee or energy adder, or assessment of any dispatch service charge in addition to that received as part of Illinois administrative fee, would require a timely filing pursuant to Part 35 of the Commission's regulations.

Our preliminary review of Illinois' filing indicates that the proposed power coordination agreement has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept Illinois' submittal for filing and suspend its operation as ordered below.

As the Commission explained in *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), rate filings would ordinarily be suspended for a nominal period where preliminary review indicates that the proposed rates may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. Our preliminary review of Illinois' filing suggests that the proposed formula rate may not produce substantially excessive revenues. We further note that the cooperative customers, which would benefit from immediate coordinated operation with Illinois, have concurred in Illinois' request for a January 1, 1985 effective date for the proposed power coordination agreement. Accordingly, we shall grant waiver of the notice requirements and suspend the proposed agreement for a nominal period, to become effective, subject to refund, on January 1, 1985.

The Commission orders:

(A) Illinois' request for waiver of the notice requirements is hereby granted.

(B) Illinois' proposed power coordination agreement is hereby accepted for filing and suspended, to become effective on January 1, 1985, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the proposed agreement.

(D)A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days from the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Rate Schedule Designations

Docket No. ER85–130–000

ILLINOIS POWER CO.

Designation	Description
(1) Rate Schedule FERC No. 113 (Supersedes Rate Schedule FERC Nos. 66, 76, 77 and 78).	Power Coordination Agreement.
(2) Exhibit A to Rate Schedule FERC No. 113.	Changes to Clinton Station Agreements.
(3) Exhibit B to Rate Schedule FERC No. 113.	Loan Agreement.
(4) Supplement No. 1 to Rate Schedule FERC No. 113.	Appendix B—Capacity Purchase Charges.

[FR Doc. 85–1552 Filed 1–18–85; 8:45 am]

BILLING CODE 6717-01-M

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[1] In response to telephone requests by the Commission's advisory staff, the company, on December 13, 1984, corrected the title of the rate schedule in Article 16.11 and Appendix B of the proposed power coordination agreement and, on December 20, 1984, filed IP Schedule 1 describing its investment in the Clinton Power Station.

[2] *See* Attachment for rate schedule designations.

[3] The agreement provides that Soyland's and WIPCO's initial entitlement of 10.7% of fossil capacity is to decrease to 8% in 1993 and to 4% in 1995.

[Docket No. CI85-106-000, et al.]

Ladd Petroleum Corp. (Successor to Patrick Energy Corp., Patrick Oil and Gas Corp., Patrick Petroleum Co. and Patrick Petroleum Corp. of Michigan); Certificate Applications for Successor in Interest

January 15, 1985.

Take notice that on November 30, 1984, Ladd Petroleum Corporation (Ladd) of 830 Denver Club Building, Denver, Colorado 80202, as successor in interest to Patrick Energy Corp., Patrick Oil and Gas Corp., Patrick Petroleum Co., and Patrick Petroleum Corp. of Michigan (Patrick), filed applications to amend certain certificates currently held by Patrick to show Ladd as certificate holder and to redesignate the related docket numbers as listed in the attached Appendix.

Effective August 24, 1984, pursuant to various "Stipulations of Interests and Assignments, Bills of Sale and Conveyances (Producing Oil and Gas Interests)", Ladd acquired all of the interests and obligations of Patrick in the gas sales contracts and related leases in certain properties as described in the attached Appendix.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

APPENDIX

Docket No.	Purchaser	Location
CI85-106-000	Tennessee Gas Pipeline Co	Cox Bay Field Plaquemines Parish, LA.
CI85-107-000	Transcontinental Gas Pipe Line Corp	Chandeleur Sound Area, Blocks 58 and 59, Offshore St. Bernard Parish, LA.
CI85-108-000	Texas Eastern Transmission Corp	Manila Village Field, Jefferson Parish, LA.
CI85-109-000	United Gas Pipeline Co	Deep Lake Area, Cameron Paraish, LA.
CI85-110-000	Montana Dakota Utilities Co	Second Creek Field, Richland County, MT.
CI85-111-000	Columbia Gas Transimmission Corps	Newton Field, Mahoning County, OH.
CI85-112-000	Columbia Gas Transimmission Corps	Milton Field, Trumbull County, OH
CI85-113-000	Michigan Wisconsin Pipeline Co	Aledo, SE Field, Custer County, OK.
CI85-114-000	El Paso Natural Gas Co	Mocane-Laverne Field, Beaver County, OK.
CI85-115-000	Michigan Wisconsin Pipeline Co	Squaw Creek Field, Blaine County, OK.
CI85-116-000	El Paso Natural Gas Co	Cedardale NE Field, Woodward County, OK.
CI85-117-000	Panhandle Eastern Pipeline Co	Leedy N. Field, Dewey County, OK
CI85-118-000	Northern Natural Gas Co	Reydon NE Field, Roger Mills County, OK
CI85-119-000	Laclede Gas Co. (now Mississippi River Transmission Co.).	Reydon N. Field, Roger Mills County, OK.
CI85-120-000	Northern Natural Gas Co	Mocane Laverne Field, Beaver County, OK.
CI85-121-000	El Paso Natural Gas Co	Reydon NE Field, Roger Mills County, OK
CI85-122-000	Consolidated Gas Supply Corp	Elk District Field, Harrison County, WV.
CI85-123-000	Consolidated Gas Supply Corp	Stafford Field, Mingo County, WV.
CI85-124-000	Consolidated Gas Supply Corp	Sand River Field, McDowell County, WV.
CI85-125-000	Transcontinental Gas Pipeline Co	Green Branch Field, McMullen County, TX.
CI85-126-000	Consolidated Gas Supply Corp	Philippi District Field, Barbour County, WV.
CI85-127-000	Columbia Gas Transmission Corp	Huff Creek Field, Wyoming County, WV.
CI85-128-000	Columbia Gas Transmission Corp	Union Field, Upshur County, WV.
CI85-129-000	Consolidated Gas Supply Corp	Grant Field, Harrison County, WV.
CI85-130-000	Consolidated Gas Supply Corp	Cove, Glade and Philippi Districts Field, Barbour County, WV.

[FR Doc. 85-1553 Filed 1-18-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI85-152-000, et al.]

Southwest Royalties, Inc. on Behalf of Sullivan Drilling Company, et al.; Applications for Abandonment of Service

January 15, 1985.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 30, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI85-152-000, B, Dec. 17, 1984	Southwest Royalties, Inc. on Behalf of Sullivan Drilling Co., P.O. Box 2196, Midland, TX 79702.	Phillips Petroleum Co., Sullivan Field (Delaware Formation), Reeves County, TX.	(1)	
CI85-153-000 (CI80-80), B, Dec. 17, 1984.	CNG Producing Co., Canal Place One, Suite 3100, New Orleans, LA 70130.	Tennessee Gas Pipeline Co., Ship Shoal Block 320, Offshore Louisiana.	(2)	
CI85-155-000, B, Dec. 24, 1984	Oleum Inc., P.O. Box 631, Amarillo, TX 79173	United Gas Pipe Line Co., Brien Sand Unit No. 3 and Duplantis Sand Unit, Sunrise Field, Terrebonne Parish, LA.	(3)	
CI85-158-000 (CI78-619), B, Dec. 28, 1984.	Phillips Petroleum Co., 336 Home Savings & Loan Bldg., Bartlesville, OK 74004.	Mountain Fuel Resources, Inc., Bruff Area, Uinta County, WY.	(4)	
CI85-159-000 (G-9462), B, Jan. 2, 1985.	Sun Exploration and Production Co., P.O. Box 2880, Dallas, TX 75221-2880.	Northwest Central Pipeline Corp., Hardtner Field, Barber County, KS.	(5)	
CI85-162-000, B, Jan. 4, 1985	Joseph L. Hargrove, *et al.*, 700 Commercial National Bank Bldg., Shreveport, LA 71101.	United Gas Pipe Line Co., South Drew Field, Quachita Parish, LA.	(6)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
CI85-163-000, B, Jan. 7, 1985	Glacier Petroleum Co., Inc. (Operator), P.O. Box 577, Emporia, KS 66801.	Cities Service Gas Co., Pomona Field, Franklin County, KS.	([7])	

[1] Acreage was acquired by Southwest Royalties, Inc. Southwest Royalties, Inc. propose to drill two (2) wells in other formations and sell new developed gas to Conoco, Inc.
[2] Depletion of reserves and expiration of BLM Lease OCS-2144.
[3] Wells were plugged and abandoned by the operator, Amoco Production Company, on 7-2-74, and 7-22-74, respectively, and the related leases have expired.
[4] Final determination under section 103 of the Natural Gas Policy Act of 1978.
[5] Partial Assignment and Bill of Sale executed on 11-28-84, effective 12-1-84, wherein Sun Exploration and Production Company assigned its interest in Lease No. 000860 located in Barber County, Kansas to F. Doyle Fair and Sun no longer has lease holdings under their Rate Schedule No. 69.
[6] United's transporter, Tennessee Gas Pipeline Company, will not accept gas with the CO2 content of that produced from the Browder Well, Arkla is connected at the well and is presently accepting and will accept delivery of such gas. United has concurred with this application and ceased takes from the well some time ago. Therefore, since Arkla and a third purchaser are taking gas from the well, Applicant is out of balance in takes.
[7] Property sold.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 85-1554 Filed 1-18-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-2-18-002]

Texas Gas Transmission Corp.; Filing

January 15, 1985.

Take notice that on January 7, 1985, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1:

Second Substitute Revised Forty-Sixth Revised Sheet No. 7—effective 8/1/84
Substitute Second Revised Forty-Sixth Sheet No. 7—effective 9/18/84
Second Revised Substitute Forty-Seventh Revised Sheet No. 7—effective 10/1/84.

Texas Gas requests waiver of Section 154.22 of the Commission's regulations to permit the revised tariff sheets to become effective on their proposed effective dates.

Texas Gas states that these revised sheets are being filed pursuant to the Commission's Letter Order, issued December 14, 1984 in the above-captioned docket. The revised sheets recompute carrying charges eliminating Order 93 and 93-A costs; recompute carrying charges based on the gross amount of sales revenue credits; remove suspended amounts payable from the Account No. 191 balances utilized in computing the surcharge adjustment; and credit Account No. 191 for the time value of customer funds collected applicable to suspended amounts payable.

Copies of this filing were mailed to all of Texas Gas' jurisdictional sales customers, interested state commissions and parties of record in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211. 385.214). All such petitions or protests should be filed on or before January 22, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-1555 Filed 1-18-85; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-2759-4]

Video Teleconference Tapes; Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Video Teleconference Tapes.

SUMMARY: On December 11, 1984, EPA held a public briefing in the form of a video teleconference to discuss the 1984 Amendments to the Resource Conservation and Recovery Act (see 49 FR 46949, 11-29-84). The Agency is making the video tapes of the briefing available to the public through the National Audiovisual Center (NAC). The teleconference originated in Washington, D.C., and satellite sites were set up in each of the 10 EPA regional cities. A panel of EPA experts discussed the major provisions of the bill, and an opportunity was provided for questions from the attendees in Washington and the regional cities. The tapes can be purchased in ¾" U-Matic (order #A12255); ½" BETA (order #A12256); or ½" VHS (#A12257). Cost of the tapes is $375.00 and may be purchased with Master Charge, VISA or purchase order. Orders not prepaid will include a $5.00 handling charge.

ADDRESS: Interested parties should send requests to: National Audiovisual Center, Attn: Order Section, Washington, D.C. 20409.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline, toll free at (800) 424-9346. In Washington, D.C. call 382-3000. For additional information on ordering the tapes contact: Reference Section, NAC at (301) 763-1896.

Dated: January 11, 1985.

Jack W. McGraw,
Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 85-1574 Filed 1-18-85; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

New FM Stations; Applications for Consolidated Hearing; Paul and Pearson

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM docket No.
A. Christine E. Paul, Burns, OR.	BPH-831213AJ	84-1302
B. Beverly A. Pearson, Burns, OR.	BPH-840423IO	84-1303

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 85-1579 Filed 1-18-85; 8:45 am]

BILLING CODE 6712-01-M

Technical Subgroup of Radio Advisory Committee; Meeting

The technical subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Tuesday, January 15, 1985, at 2:00 p.m. in the Vincent Wasilewski Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C. A further session is to be held at 10:00 a.m. on February 5, 1985, at the same location.

The subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to preparations for the upcoming Region 2 Conference on expansion of the AM band.

The subgroup also may discuss matters relating to the ongoing discussions between the United States and Mexico looking toward the development of a new bilateral AM Agreement. In addition, the Subgroup also may consider other relevant matters of concern to the participants at the meeting.

The meeting, a continuing one, will be resumed after the February 5, 1985, session at such time and place as is decided at that session.

All meetings of the Technical Subgroup are open to the public. All interested parties are invited to participate in these meetings.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841-0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-1615 Filed 1-18-85; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 84-1274 et al.; File Nos. BP-810403 AD]

Hoffman Communications, Inc., et al.; Hearing Designation Order

In the matter of applications of:

Hoffman Communications, Inc., WGGM, Chester, VA.	MM Docket No. 84-1274, File No. BP-810403AD.
Has: 1410 kHz, 5 kW, D	
Req: 820 kHz, 1 kW, 10 kW-LS, DA-2, U	
City of New York Municipal, Broadcasting System, WNYC, New York, NY.	MM Docket No. 84-1275, File No. BP-810410AH.
Has: 830 kHz, 50 kW—LS—WCCO	
Req: 820 kHz, 10 kW, 50 kW-LS, DA-2, U	
Musical Heights, Inc., WZYQ, Frederick, MD.	MM Docket No. 84-1276, File No. BP-810410AJ.
Has: 1370 kHz, 500 W, DA-D	
Req: 820 kHz, 1 kW, 5 kW-LS, DA-2, U	
Western Maryland Broadcasting Co., Inc., WFRB, Frostburg, MD.	MM Docket No. 84-1277, File No. BP-810410AK.
Has: 560 kHz, 5 kW, D	
Req: 820 kHz, 1 kW, 50 kW-LS, DA-2, U	
Marshfield Broadcasting Company, Inc., Whitman, MA.	MM Docket No. 84-1278, File No. BP-810410AM.
Req: 820 kHz, 1 kW, DA-N, U	
Long-Pride Broadcasting Co., Charlotte, NC.	MM Docket No. 84-1279, File No. BP-810410AN.
Req: 820 kHz, 1 kW, 10 kW-LS, DA-2, U	
Chemung County Radio, Inc., WIQT, Horseheads, NY.	MM Docket No. 84-1280, File No. BP-810410AQ.
Has: 1000 kHz, 5 kW, 2.5 kW-CH	
Req: 820 kHz, 1 kW, 5 kW-LS, DA-N, U	
Mid Shore Communications Inc., Weymouth, MA.	MM Docket No. 84-1281, File No. BP-810410AU.
Req: 820 kHz, 10 kW, DA-2, U	

For Construction Permit.

Adopted: November 21, 1984.

Released: January 15, 1985.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under construction: (a) The above-captioned applications for new AM broadcast stations and for changes in the facilities of existing AM broadcast stations which are linked to each other either directly or indirectly through the presence of intervening interlocking proposals; [1] (b) petitions for the imposition of conditions filed by Capital Cities Communications, Inc., against all of the above-captioned applications except the Marshfield Broadcasting, Inc., application; (c) a motion to dismiss the City of New York Municipal Broadcasting System application filed by the Ohio State University; and (d) relevant pleadings.[2]

2. *Stability questions.* Capital Cities Communications, Inc. (Capital cities), licensee of Class I-A station WBAP, Fort Worth, Texas, filed petitions for the imposition of conditions [3] against the applications of Hoffman Communications, Inc. (Hoffman or WGGM), City of New York Municipal Broadcasting System (City of New York or WNYC), Musical Heights, Inc. (Musical Heights or WZYQ), Western Maryland Broadcasting Co., Inc. (Western Maryland or WFRB), Long-Pride Broadcasting Company (Long-Pride), Chemung County Radio, Inc. (Chemung County or WIQT), and Mid Shore Communications Incorporated (Mid Shore). The allegations contained in the petitions are essentially identical and will be considered here together. Capital Cities asserts that the proposals will cause objectionable interference to the WBAP 0.5 mV/m 50% skywave contour. More specifically petitioner asserts that when the nighttime proposals are subjected to minor variations in their operating parameters the theoretical patterns will exceed the proposed standard patterns. Thus, according to Capital Cities, these seven proposals are critical arrays and, if granted, must be conditioned appropriately.

3. It is our policy to consider as being generally stable directional arrays which do not exceed their radiation limits with 1.0 percent current ratio variation and 1.0 degree phase deviation. We consider those arrays which exceed their radiation limits with parameter variations of 0.1 percent and 0.1 degree highly unstable. Where arrays exceed their radiation limits within these parameter variations, we will condition a grant accordingly.[4] Our

[1] Groups of this nature are commonly termed "daisy chains."

[2] These include motions for extensions of time in which to respond to various pleadings filed by Hoffman Communications, Inc.; City of New York Municipal Broadcasting System; Musical Heights, Inc.; Chemung County Radio, Inc.; and Capital Cities Communications. The motions are unopposed and are hereby granted.

[3] The possibility of electrical interference to its station WBAP makes Capital Cities a party in interest within the meaning of section 309(d) of the Communications Act of 1934, as amended. *FCC* v. *National Broadcasting Co., Inc.*, 319 U.S. 239 (1943).

[4] Where other factors internal and/or external to the array warrant it, a hearing issue may be specified. Such circumstances, however, have not been established here.

computerized studies here indicate that all seven proposals would exceed specified standard radiation values with variations of 1.0 percent current ratio deviation and 1.0 degree phase deviation. Thus the proposals fall into the category where stability conditions are called for. To this extent we will grant the Capital Cities petitions to impose conditions. With regard to the Marshfield Broadcasting Company, Inc. (Marshfield), application, our computerized studies indicate that its proposal also would exceed specified standard radiation values when its parameters are varied by 1.0 percent and 1.0 degree; it is therefore a critical array and will be conditioned appropriately.

4. *Public Notice.* Section 73.3580 of the Commission's Rules requires broadcast applicants to give notice of the filing of their applications. We have no evidence that Hoffman, City of New York, or Musical Heights have complied with the rule; these applicants must therefore comply with the rule, if they have not, and file the required certification of compliance with the presiding Administrative Law Judge within thirty days of the release of this Order.

5. *Coverage and power questions.* Section 73.24(j) of the Commision's Rules requires that the 5 mV/m contour or at night the interference free contour (if of a higher value) encompass all residential areas of the community of license. Hoffman, Marshfield and Long-Pride have requested waivers of this rule. In Hoffman's case there is substantial compliance with the rule and no waiver is nececssary. Long-Pride asserts that its proposed nighttime interference free contour will encompass 92% of its community but submits no information concerning the population that will be served. Marshfield did not submit any population or area coverage information with its waiver request. Under these circumstances we cannot determine if waiver of the rule for these two applicants is warranted and appropriate issues will be specified.

6. City of New York requests that its proposal be considered as one for a Class II–A station rather that a Class II–B station in order to permit higher nighttime operating power and greater protection.[5] The table of assignments of Class II–A stations (73.22(a)) does not, however, list New York as a state in which a Class II–A station may be assigned. Questions concerning the expansion of this provision are more properly addressed in the context of a rule making proceeding than in the limited context of comparative proceedings. Hence, at this time we must deny the City of New York request and consider its proposal as seeking a Class II–B facility.

7. Section 73.21(a)(2)(ii)(C) limits the power of new Class II–B stations operating on the clear channel frequencies to 1 kW nighttime. City of New York and Mid Shore have proposed nighttime power of 10 kW, proposals which can only be granted if this provisions is waived. The Commission has adopted a strict standard for waivers of this nature. Waivers will be granted only upon a showing that the proposed higher power is necessary to provide principal city service and will not impede the allocation objectives. It is not clear from the record that operation at the proposed 10 kW power by these applications would achieve compliance with our rules or that operation at the prescribed 1 kW limit will not adequately cover the respective communities of license. To resolve these issues City of New York and Mid Shore must submit appropriate coverage maps to the presiding Administrative Law Judge who will then determine whether coverage is adequate. Preclusion studies must also be submitted. Appropriate issues will be specified.

8. *Evironmental matters.* The records do not contain environmental narrative statements for City of New York and Chemung County. The statement submitted by Mid Shore does not contain information concerning whether or not construction of the facilities has been a source of controversy on environmental grounds in the community and the Marshfield environmental narrative statement does not contain information concerning the zoning classification of the proposed site. Accordingly these applicants will be required to comply with the rules and file the required environmental narrative statement information with the presiding Administrative Law Judge within thirty days of the release of this Order. In addition, a copy shall be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of § 1.1313(b). Section 1.1317 of the Rules will be waived to the extent that the comparative phase of the case will be allowed to begin before the evironmental phase is completed. See *Golden State Broadcasting Corp.*, 71 F.C.C. 2d 229 (1979), *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 F.C.C. 2d 337 (1980).

9. *Federal Aviation Administrative matters.* The Commission has not yet received Federal Aviation Administration clearance for the antenna towers proposed by Long-Pride Broadcasting Company, Chemung County Radio, Inc., and Mid Shore Communications Incorporated. Accordingly appropriate issues will be specified.

10. *City of New York.* The Ohio State University, whose application to add nighttime operating authority to its station WOSU was at one time mutually exclusive with the WNYC proposal, challenges the WNYC proposal as an inconsistent, conflicting, and multiple application, prohibited by §§ 73.3518 and 73.3520 of our Rules. We agree, but conclude that waiver of these provisions is warranted under the extraordinary circumstances presented here. For a period of over 30 years, WNYC has sought to make permanent a special service authority extending its hours of operation on its currently assigned 830 kHz frequency. Class I–A clear channel station WCCO in Minneapolis, whose operation receives otherwise prohibited interference during the extended operating period, has opposed this request. Their dispute has already resulted in numerous hearings and decisions, summarized in *City of New York Municipal Broadcasting System (WNYC)*, 91 F.C.C. 2d 635 (1982), *aff'd sub nom. City of New York Municipal Broadcasting System (WNYC)* v. *FCC*, No. 83 1663, (D. C. Cir. September 21 1984) and is to date as yet unresolved, in that an appeal is possible from the decision of the United States Court of Appeals for the District of Columbia Circuit affirming our denial of the WNYC, 830 kHz proposal.

11. In an effort to find an alternative solution to this long-standing controversy we have encouraged WNYC to file the instant application to change frequency without prejudice to its prosecution of the original 830 kHz request. The long history of its modification effort, the public interest in the continuation of a service now over 40 years old, and the lack of prejudice to any other applicants, make this departure from our customary standards warranted, we believe. We will therefore deny the motion to dismiss filed by The Ohio State University.

12. *Marshfield Broadcasting Company.* Edward F. Perry, Jr., (Perry) a principal of this applicant is also a principal of Hampshire County

[5] Section 73.22 of the Commission's Rules provides, *inter alia*, that Class II–A stations shall operate with not less than 10 kW power nighttime and receive daytime protection to the 0.5 mV/m contour and nightime protection to the contour to which they are limited by the co-channel Class 1–A station.

Broadcasting, a corporation against which a potentially disqualifying issue has been specified in another Commission proceeding. See Mass Media Docket Nos. 81–159, 160. In addition, Perry, with others, has been charged in a civil suit in Federal District Court in the District of Columbia with "unfair competition and fraudulent and corrupt practices." The civil suit has been disclosed in the other proceeding and we believe there is no question of any intent to conceal or mislead the Commission concerning these matters. The record in these proceedings however is incomplete as it contains no information with regard to those issues. We will, therefore, require that Marshfield submit a clarifying amendment to its proposal and inform the presiding Administrative Law Judge, on an ongoing basis, as to the status of the other proceeding.

13. *Chemung County Radio, Inc.* The last date (B cut-off date) on which Chemung County could file amendments to its application as a matter of right was October 19, 1981; it filed minor technical amendments on November 6, 1981 and May 8, 1984. Both amendments are for the purpose of resolving interference questions and will prejudice no other applicant. We will therefore, accept the amendments.

14. *Mid Shore Communications Incorporated.* The information submitted by this applicant does not demonstrate its financial qualifications. The applicant estimates that construction and first year operating costs will be $458,000. To cover these costs, the application indicates that $338,190 is available from loans, leaving a shortage of $120,610. The applicant proposes to utilize projected first year revenues of $327,600 to cover this deficit. Applicants for new broadcast facilities, however must show the ability to operate the proposed facility for the first three months without relying on revenue.[6] In addition, no documentation of the bank loans, equipment leases or financing agreements has been submitted. Under these circumstances we cannot find the applicant financially qualified to construct and operate as proposed. A financial issue will be specified.

15. The last date (B cut-off date) on which Mid Shore could file amendments to its application as a matter of right was October 19, 1981 It filed petitions for leave to amend and amendments on August 26, 1982, August 29, 1983, and December 12, 1983. The amendments contain information concerning the principals of the applicant and for the most part are required by Section 1.65 of the Commission's Rules. We will grant the petitions and accept the amendments with the restriction that the information cannot be used to enhance the comparative position of the applicant. *Azalia Corp.*, 31 F.C.C. 2d 561 (1971).

16. To comply with the recent Agreement between the Government of the United States of America and the Government of Canada Relating to the AM Broadcasting Service in the Medium Frequency Band, which became effective January 17, 1984, Mid Shore must submit an amendment to its technical proposal to reduce its daytime radiation by one-third in the direction of the Halifax service area.

17. Except as indicated by the issues specified below the applicants are qualified to construct and operate as proposed.[7] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. As the proposals are for different communities, we will specify issues to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which proposal (or combination of proposals) would best provide a fair, efficient and equitable distribution of radio service. We will also specify a contingent comparative issue, should such an evaluation of the proposals prove warranted.

18. Accordingly, IT IS ORDERED, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the heights and locations of the antenna towers proposed by Long-Pride Broadcasting Company, Chemung County Radio, Inc., and Mid Shore Communications Incorporated.

2. To determine, with respect to the applications of Marshfield Broadcasting Company, Inc., and Long-Pride Broadcasting Company whether these proposals comply with § 73.24(j) of the Commission's Rules and if they do not, whether circumstances exist which warrant waiver of these rules

3. To determine, with respect to the proposals of City of New York Municipal Broadcasting System and Mid Shore Communications Incorporated, whether circumstances exist which warrant waiver of § 73.21(a)(2)(ii)(C) of the Commission's Rules.

4. If a final environmental impact statement is issued with respect to the proposal of City of New York Municipal Broadcasting System, Marshfield Broadcasting Company Inc., Chemung County Radio, Incorporated, or Mid Shore Communication incorporated which concludes that the proposed facility is likely to have an adverse effect on the quality of the environment, to determine:

a. whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301–1319 of the Commission Rules; and,

b. whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed

5. To determine, with respect to the proposal of Mid Shore Communications Incorporated:

a. whether the applicant has available sufficient funds to meet the proposed construction and operating costs, and

b. whether, in light of the evidence adduced pursuant to (a), the applicant is financially qualified to construct and operate as proposed.

6. To determine: (a) the areas and populations which would receive primary aural service from the proposals and the availability of other primary service to such areas and populations, and (b) in light thereof and pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

8. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any should be granted.

19. It is further ordered, That the Federal Aviation Administration Is Made a Party to the proceedings.

20. It is further ordered, That the petitions for the imposition of conditions filed by Capital Cities Communications, Inc., Are Granted to the extent set our herein and Are Denied in all other respects.

21 It is further ordered, That the request by City of New York Municipal Bradcasting System that its proposal be classified as a Class II–A station Is Denied.

22. It is further ordered, That Hoffman Communications, Inc., City of New York Municipal Broadcasting System and Musical Heights, Inc., comply with the public notice requirements of § 73.3580 of the Commission's Rules, if they have

[6] Applicants utilizing the new application form (FCC Form 301) need only certify as to their financial qualifications.

[7] The facilities specified herein are subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements betwen the United States and other countries.

not done so, and certify as to that fact with the presiding Administrative Law Judge within thirty (30) days of the release of this Order.

23. It is further ordered, That the motion to dismiss filed by the Ohio State University Is Denied.

24. It is further ordered, That §§ 73.3518 and 73.3520 of the Commission's Rules Are Waived on behalf of the City of New York Municipal Broadcasting System.

25. It is further ordered, That Marshfield Broadcasting Company submit an amendment to its application concerning the status of certain legal proceedings as set out in paragraph twelve (12), *supra*.

26. It is further ordered, That the amendments filed by Chemung County Radio, Inc., On November 6, 1981 and May 8, 1984, are accepted for filing.

27. It is further ordered, That the petitions for leave to amend filed by Mid Shore Communications Incorporated on August 26, 1982, August 29, 1983, and December 12, 1983, Are Granted, and the amendments contained therein Are Accepted for filing upon the conditions set out in paragraph fifteen (15) *supra*.

28. It is further ordered, That Mid Shore Communications Incorporated amend its technical proposal to conform with recent international agreements as set out in paragraph sixteen (16), *supra*.

29, It is further ordered, That § 1.1317 of the Commission's Rules Is Waived to the extent indicated herein. Within thirty (30) days of the release of this Order, City of New York Municipal Broadcasting System, Marshfield Boardcasting Company, Inc., Chemung County Radio, Inc., and Mid Shore Communications Incorporated shall submit amended environmental narrative statements containing the information (as set out in paragrah 8, *supra*) required by § 1.1311 of the Commission's Rules to the presiding Administrative Law Judge, with a copy to the Chief, Audio Services Division.

30. It is further ordered, That should a construction permit be granted for any of the above-captioned applications, it shall be conditioned as follows:

An antenna monitor of sufficient accuracy and repeatability, and having a minimum resolution of 0.1 degree phase deviation and 0.1 percent sample current ratio deviation, shall be installed and continuously available to indicate the relative phase and magnitude of the sample currents of each element in the array to insure maintenance of the radiated field with the standard pattern values of radiation.

Upon the receipt of operating specifications and before issuance of license, the permittee shall submit the results of observations made daily of the base currents and their ratios, relative phase, sample currents and their ratios and sample currrent ratio deviations for each element of the array along with the final amplifier plate voltage and current, the common point current, and the field strengths at each monitoring point for both the nondirectional and directional nighttime operations for a period of at least thirty days, to demonstrate that the array can be maintained within the specified tolerances.

31. It is further ordered, That in addition to the copy served on the Chief, Hearing Branch, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Room 350, 1919 M Street NW., Washington, D.C. 20554.

32. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the parties shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission, in triplicate, written appearances stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

33. It is further ordered, That pursuant to section 311(a) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed in the rules, and shall advise the Commission of the publicaton of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 85-1605 Filed 1-18-85; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 84-1304 and 84-1305; File Nos. BP-810410AB and BP-810410AX]

Minority Communications of California, Inc. and Tonopah Broadcasters, Inc.; Hearing Designation Order

In the matter of applications of Minority Communications of California, Inc., Rancho Cordova, California, Req: 650 kHz, 5 kW, 2.5 kW-LS, D, A-2 U [MM Docket No. 84-1304 File No. BP-810410AB];Tonopah Broadcasters, Inc., Tonopah, Nevada, Req: 650 kHz, 10 kW, 2.5 kW-LS, DA-N, U [MM Docket No. 84-1305 File No. BP-810410AX].

Adopted: December 18, 1984.

Released: January 14, 1985.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the mutually exclusive applications of Minority Communications of California, Inc. (MCC) and Tonopah Broadcasters, Inc. (Tonopah). Also before the Commission are petitions to deny each of the above applications filed by KFI, Inc.

2. KFI, Inc. (KFI), licensee of clear channel station KFI, Los Angeles, California, filed petitions to deny [1] each of the above-cationed applications. The petitions are similar and will be considered here together. KFI asserts that the proposals will cause objectionable interference to the KFI 0.5 mV/m-50% skywave contour, in violation of § 73.182(a)(1) of the Commission's Rules.

3. We have reviewed the applications in light of KFI's petitions to deny and the applicants' responses thereto. Section 73.182(a)(1) does not protect the secondary service of Class I stations from adjacent channel interference. Since KFI is not entitled to protection of its secondary service area, its petitions to deny are without merit and the petitions are therefore denied.

4. MCC requests a waiver of § 73.21(a)(2)(ii)(C) of the Commission's Rules, allowing it it operate at a nighttime power in excess of 1 kW. MCC bases its request upon insufficient nighttime city coverage resulting from the 32.76 mV/m nighttime limit imposed by a North Las Vegas application filed by Juarez Communications Corporation (BP-81012AB). Juarez Communications Corporation, however, has amended its application to request another frequency and thus MCC is no longer subject to a nighttime limit. Our engineering studies have concluded that at 1 kW, MCC's proposed 10 mV/m nighttime contour will adequately cover the city of license, rendering use of higher power unnecessary. The request for a waiver by MCC is therefore denied, as no waiver is required under the circumstances. MCC should accordingly amend its application to specify a 1 kW nighttime power.

5. Tonopah also requests a waiver of § 73.21(a)(2)(ii)(C) of the Commission's rules, allowing it to operate in excess of 1 kW nighttime power. As the applicant meets the "white area" service test established by this provision, a formal waiver is not necessary to permit the higher power requested.

6. Section 73.3580 of the Commission's Rules requires broadcast applicants to publish a local notice of the filing of their applications. We have no evidence

[1] KFI, Inc. has standing to file its petition to deny based on the possibility of objectionable interference being caused to station KFI. *FFC v. National Broadcasting Company*, 319 U.S. 239 (1943).

that MCC has complied with the rule; this applicant must therefore comply with the rule, if it has not already done so, and file the required certification with the presiding Administrative Law Judge within 30 days of the release of this Order.

7. Section II of the application form used by MCC (the 1977 version of FCC Form 301) requires the applicant to disclose any interest in or connection with any other broadcast station or pending application held by a member of the immediate family of any party to the application. MCC neglected to respond to this question; the applicant must, therefore, file its response to this question with the presiding Administrative Law Judge within 30 days of the release of this Order. If the question is answered in the affirmative, the applicant must file an appropriate exhibit disclosing these interests with the presiding Administative Law Judge within 30 days of the release of this Order.

8. The date until which MCC could file amendments to its application as a matter or right (B cut-off date) was July 27, 1981. On Spetember 15, 1981, MCC filed minor amendments to its application. The amendments contain multiple ownership and other information required by § 1.65 of the Commission's Rules. The amendments are unopposed and will prejudice no other applicant nor confer any comparative advantage to MCC. We will therefore accept the amendments.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for a hearing in a consolidated proceeding. As the proposals are for different communities, we will specify an issue to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service. We will also specify a contingent comparative issue, should such an evaluation of the proposals prove warranted.

10. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1943, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine (a) the areas and populations which would receive primary aural service from the proposals and the availability of other primary service to such areas and populations, and (b) in light thereof and pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

2. To determine in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That the petitions to deny filed by KFI, Inc. Are Denied.

12. It is further ordered, That the request by Minority Communications of California, Inc. for a waiver of § 73.21(a)(2)(ii)(C) of the Commission's Rules Is Denied.

13. It is further ordered, That Minority Communications of California, Inc. must amend its application to specify a 1 kW nighttime power, and submit this amendment to the presiding Administrative Law Judge within 30 days of the release of this Order.

14. It is further ordered, That Minority Communications of California, Inc. comply with the public notice requirements of § 73.3580 of the Commission's Rules, if it has not done so, and certify as to that fact with the presiding Administrative Law Judge within thirty (30) days of the release of this Order.

15. It is further ordered, That Minority Communications of California, Inc. shall respond to the question in Section II of the application form (1977 FCC Form 301) regarding any interest in or connection with any broadcast station or pending application held by a member of the immediate family of any party to the application, and shall submit this response and any required disclosures to the presiding Administrative Law Judge within 30 days of the release of this Order.

16. It is further ordered, That the amendment filed by Minority Communications of California of September 15, 1981 are hereby Accepted.

17. It is further ordered, That in addition to the copy served on the Chief, Hearing Branch, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Room 350, 1919 M Street, NW, Washington, D.C. 20554.

18. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence of the issues specified in this Order.

19. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Auto Services Division, Mass Media Bureau.

[FR Doc. 85-1604 Filed 1-18-85; 8:45 am]

BILLING CODE 6712-01-M

New FM Stations; Applications for Consolidated Hearing; Woodridge Enterprises, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City, and State	File No.	MM Docket No.
A. Woodridge Enterprises, Inc.; Willow Springs, MO.	BPH-831216BP	84-1300
B. Patsy E. Price; Willow Springs, MO.	BPH-840430IF	84-1301

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Main Studio, A
2. Air Hazard, B

3. Comparative, A, B
4. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full test of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 85–1575 Filed 1–18–85; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[C.O. 1; Amdt. No. 7]

Organization and Functions of the Federal Maritime Commission

The following delegation of authority is made to the Director, Bureau of Agreements and Trade Monitoring, to facilitate implementation of the Shipping Act of 1984.

Commission Order 1 is amended by adding the following new sub-sections 8.15 and 8.16 to section 8 *Specific Authorities Delegated to the Director, Bureau of Agreements and Trade Monitoring:*

8.15 Subject to review by the General Counsel, authority to deny requests filed pursuant to 46 CFR 572.605 for a shortened review period on agreements filed under the Shipping Act of 1984.

8.16 Authority to grant or deny applications filed under 46 CFR 572.404 for waiver of the form, organization and content requirements of 46 CFR 572.401, 572.402, 572.403, 572.501 and 572.502.

Dated: January 11, 1985.

Alan Green, Jr.,

Chairman.

[FR Doc. 85–1600 Filed 1–18–85; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Baltimore Bancorp; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 8, 1985.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Baltimore Bancorp,* Baltimore, Maryland; to engage *de novo* directly in making and servicing loans and leasing personal or real property.

Board of Governors of the Federal Reserve System, January 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–1536 Filed 1–18–85; 8:45 am]

BILLING CODE 6210–01–M

Fidelcor, Inc.; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 8, 1985.

A. *Federal Reserve Bank of Philadelphia* (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Fidelcor, Inc.,* Rosemont, Pennsylvania; to engage *de novo* through a limited purpose consumer credit bank subsidiary, Fidelity Bank Delaware, Wilmington, Delaware, in consumer credit services and limited time-deposit taking. In addition, Applicant proposes to offer credit insurance underwritten by third parties with respect to extensions of consumer credit pursuant to § 225.25(b)(8) of Regulation Y, 12 CFR 225.25(b)(8).

Board of Governors of the Federal Reserve System, January 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–1537 Filed 1–18–85; 8:45 am]

BILLING CODE 6210–01–M

Peoples Financial Corp.; Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and

§ 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 13, 1985.

A. **Federal Reserve Bank of Cleveland** (see S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Peoples Financial Corp., Inc.*, Ford City, Pennsylvania; to become a bank holding company by directly acquiring 100 percent of the voting shares of Peoples Bank of Ford City, Pennsylvania, Ford City, Pennsylvania, and indirectly acquiring New Bethlehem Bank, New Bethelehem, Pennsylvania (50.22 percent owned by Peoples Bank of Ford City, Ford City, Pennsylvania).

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Merchants Bancorp, Inc.*, Aurora, Illinois; to acquire 100 percent of the voting shares of Bank of Boulder Hill, Montgomery, Illinois.

2. *NewCentury Bank Corporation*, Frankenmuth, Michigan; to acquire 100 percent of the voting shares of Alpena Savings Bank, Alpena, Michigan, Key State Bank, Owosso, Michigan, and State Savings Bank of South Lyons, South Lyons, Michigan.

Board of Governors of the Federal Reserve System, January 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-1538 Filed 1-18-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, January 31 and February 1, 1985, Building 31, A Wing, Conference Room 4, Bethesda, Maryland 20205. This meeting will be open to the public on January 31, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6) (5 U.S.C. 10(d)) of Pub. L. 92-463, the meeting will be closed to the public on January 31 from approximately 9:00 a.m. to recess, and on February 1 from 8:30 until adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Wilna A. Woods, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 807, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7153) will furnish substantive program information.

Dated: January 7, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85-1567 Filed 1-18-85; 8:45 am]

BILLING CODE 4140-01-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, February 25-March 1, 1985 at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

This meeting will be open to the public on February 25, 1985, from 7:00 p.m. to 8:00 p.m., to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6) (5 U.S.C. 10(d)) of Pub. L. 92-463, the meeting will be closed to the public on February 25 from approximately 8:00 p.m. to recess, and from 8:00 a.m. on February 26 to adjournment on March 1, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland, 20205, Building 31, Room 4A-21, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Committee members. Dr. Norman S. Braveman, Contracts, Clinical Trials and Training Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 550, phone (301) 496-7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, 13.838, Division of Lung Diseases, and 13.839, Division of Blood Diseases and Resources)

Dated: January 7, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85-1566 Filed 1-18-85; 8:45 am]

BILLING CODE 4140-01-M

Safety and Occupational Health Study Section; Meeting

Pursuant to Pub. L. 92-463, a meeting of the Safety and Occupational Health Study Section, National Institute for Occupational Safety and Health, in conjunction with the Division of Research Grants, will be held on March 6-8, 1985, at the Colonial Manor Motel, 11410 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public on March 6 from approximately 8-

30 a.m. to 9:30 a.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)6) (5 U.S.C. 10(d)) of Pub. L. 92–463, the meeting of the Study Section will be closed to the public from 9:30 a.m. March 6 until adjournment on March 8 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–7441, will furnish summaries of the meetings and rosters of committee members.

Dr. Richard A. Rhoden, Executive Secretary of the Study Section, Westwood Building, Room 3A10, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–6723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.262, Occupational Safety and Health Research Grants, National Institutes of Health, HHS)

Dated: January 7, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–1565 Filed 1–18–85; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FES–76]

Final Environmental Statement; Proposed Use of Steel Shot for Hunting Waterfowl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Intent to Prepare Technical Supplement to FES–76.

SUMMARY: Lead shot used for waterfowl hunting falls into areas where waterfowl feed. This spent shot is frequently mistaken for seeds or grit and ingested by waterfowl. Ingested lead shot may cause sickness or death to waterfowl, and when waterfowl are consumed as food by eagles and other birds of prey, the shot contained in the prey can cause sickness or death to predators. In January 1976, the Fish and Wildlife Service (FWS) published a Final Environmental Statement entitled, *Proposed Use of Steel Shot for Hunting Waterfowl in the United States.* This administrative action led to the establishment of nontoxic shot zones for waterfowl hunting in nine States in 1976. In subsequent years, additional zones were added, and the current nontoxic shot requirements occur in portions of 29 States. Steel shot is the only nontoxic shot available at this time.

During the interval from 1976 to 1985, individual States conducted investigations to determine where within each State problems were occurring as a result of lead shot ingestion by migratory birds. These studies collectively represent a large body of new information on the subject of lead poisoning in waterfowl.

Several tests comparing the performance of steel shot with the performance of lead shot have been conducted since 1976. The results of these tests provide additional data on a subject that has continued to be controversial since 1976.

It has become apparent in recent years that bald eagles can be killed from the ingestion of lead shot contained in the bodies of waterfowl that eagles utilize as food. The information relating to this subject was not available when FES–76 was published, but it is now being summarized.

Our knowledge of lead in the environment and lead as a toxic substance to wildlife has increased over the past 10 years as a result of numerous investigations by universities, states, and other governmental organizations. It is appropriate to summarize this information at this time.

The above data are of a technical nature and FWS believes that they should be incorporated into FES–76. Therefore, FWS announces at this time that a Technical Supplement to FES–76 will be prepared in draft form by May 15, 1985, and a final Technical Supplement to FES–76 will be scheduled for publication in December 1985. Public comment on the draft Technical Supplement will be requested.

FOR FURTHER INFORMATION CONTACT: Rollin, D. Sparrowe, Chief, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–254–3207).

Dated: January 15, 1985.

Robert A. Jantzen,

Director, Fish and Wildlife Service.

[FR Doc. 85–1585 Filed 01–18–85; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Application for Permit; Jane M. Packard

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*, the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*) and the regulations governing marine mammals and endangered species (50 CFR Parts 17 and 18).

File no. 687850

Applicant: Jane M. Packard, Florida · Cooperative Fish and Wildlife Research Unit, 117 Newins-Zieglar Hall, Gainesville, FL 32611

Type of Permit: Scientific Research.

Name and Number of Animals: 2 manatees (*Trichechus manatus*).

Summary of Activity to be Authorized: The applicant proposes to Take (harass) two captive rehabilitated manatees, for the purpose of scienfific research.

Source of Marine Mammals for Research: maintained at Sea World of Florida, Orlando, Florida.

Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or request for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (FWPO), 1000 North Glebe Road, Room 611, Arlington, Virginia 22201, within 30 days of the publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connection with the above application are available for review during normal business hours (7:45 am to 4:15 pm) in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: January 9, 1985.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-1594 Filed 1-18-85; 8:45 am]

BILLING CODE 4310-55-M

Issuance of Permits for Marine Mammals; Dr. Donald Siniff and San Francisco Zoological Gardens

On September 13, 1984, a notice was published in the **Federal Register** that an application had been filed with the Fish and Wildlife Service by Dr. Donald Siniff, University of Minnesota, Minneapolis, MN (APP# 3713BM) for a permit to take (capture, tag, surgically implant transmitters) up to 100 California sea otters for scientific research.

On October 19, 1984, a notice was published in the **Federal Register** that an application had been filed with the Fish and Wildlife Service by San Francisco Zoological Gardens (PRT 683815) for a permit to import nuisance polar bear from the Manitoba Department of Natural Resources, Canada, for public display.

Notice is hereby given that on December 20 and December 21, 1984, respectively, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1972 (16 U.S.C. 1539), the Fish and Wildlife Service issued the requested permits subject to certain conditions set forth therein.

The permits are available for public inspection during normal business hours at the Fish and Wildlife Service's Office in Room 601, 1000 North Glebe Road, Arlington, Virginia.

Dated: January 9, 1985.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-1595 Filed 1-18-85; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Appalachian Trail Route Changed

Three proposed relocations of the Appalachian Trail right-of-way, and Trail routes within those rights-of-way, were published on November 19, 1984 (48 FR 45664) to provide an opportunity for public review and comment. No comments were received on the proposals. Environmental assessments have been prepared, and a Finding of No Significant Impact for each of these relocations is on file in the Appalachian Trail Project Office, National Park Service, Harpers Ferry, West Virginia 25425. This notice confirms these right-of-way relocations as the official route of the Appalachian Trail.

David A. Richie,

Project Manager.

January 2, 1985.

[FR Doc. 85-1620 Filed 1-18-85; 8:45 am]

BILLING CODE 4310-70-M

Intention To Extend Concession Contract; Crafts of Nine States, Inc.

Pursuant to the provisions of sections of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend a concession contract with Crafts of Nine States, Inc., authorizing it to continue the operation of a crafts center within the Moses H. Cone Memorial Park on the Blue Ridge Parkway for a period of one year from January 1, 1985, through December 31, 1985.

This contract extension has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1984, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, Atlanta, Georgia, for information as to the requirements of the proposed contract.

Robert Baker,

Regional Director, Southeast Region.

[FR Doc. 85-1619 Filed 1-18-85; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Quotas for Controlled Substances in Schedules I and II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Established 1985 Aggregate Production Quotas.

SUMMARY: This notice establishes 1985 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act.

DATE: This order is effective January 22, 1985.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537. Telephone (202) 633-1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

On Thursday, October 11, 1984, a notice of the proposed 1985 aggregate production quotas for certain controlled substances in Schedules I and II was published in the **Federal Register** (49 FR 39931). All interested parties were invited to comment on or object to those proposed aggregate production quotas on or before November 13, 1984. Johnson Matthey Inc. of West Chester, Pennsylvania, Sterling Drug Inc. of New York, New York, Janssen Pharmaceutica of Piscataway, New Jersey and Inwood Laboratories of Inwood, New York through their counsel submittted comments relative to the proposed quotas.

Relative to fentanyl, Johnson Matthey and Janssen Pharmaceutica commented that the proposed 1985 quota will be insufficient. Relative to meperidine, Sterling Drug Inc. commented that there is a possibility that the proposed 1985 aggregate production quota will not be adequate to meet the needs in 1985. Counsel for Inwood Laboratories and Forest Laboratories requested that the proposed quota for morphine (for sale) be set at a level which would allow Inwood Laboratories to obtain adequate quantities to conduct its business.

At this time, based on current estimates for legitimate needs in 1985

and existing inventories, no increases in the above mentioned proposed quotas appear necessary. No other comments and no requests for a hearing were received. DEA will reconsider the above mentioned comments when the established quotas are reviewed in early 1985.

Pursuant to Sections 3(c)(3) and 3(e)(2)(b) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Administrator of the Drug Enforcement Administration by Section 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the 1985 aggregate production quotas for Schedules I and II controlled substances, expressed as grams of anhydrous acid or base, be established as follows:

Basic class and established 1985 quotas	
Schedule I:	
2,5-Dimethoxyamphetamine	10,500,000
Tetrahydrocannabinols	20,000
Schedule II:	
Alphaprodine	37,300
Amobarbital	2,180,000
Amphetamine	574,000
Cocaine	904,000
Codeine (for sale)	54,051,000
Codeine (for conversion)	3,534,000
Desoxyephedrine	1,186,000
995,000 grams for the production of levodesoxyephedrine for use in a noncontrolled, nonprescription product, and 191,000 grams for the production of methamphetamine.	
Dextroproproxyphene	75,795,000
Dihydrocodeine	1,341,000
Diphenoxylate	550,000
Ecgonine (for conversion)	800,000
Fentanyl	3,500
Hydrocodone	1,459,000
Hydromorphone	164,000
Levorphanol	21,750
Meperidine	7,999,000
Basic class and established 1985 quotas	
Methadone	1,383,000
Methadone Intermediate (4-Cyano-2-dimethylamino-4,4-diphenylbutane)	1,729,000
Methamphetamine (for conversion)	1,938,000
Methylphenidate	1,260,000
Mixed Alkaloids of Opium	22,300
Morphine (for sale)	1,142,000
Morphine (for conversion)	58,084,000
Opium (tinctures, extracts, etc. expressed in terms of USP powdered opium)	2,068,000
Oxycodone (for sale)	1,966,000
Oxycodone (for conversion)	6,400
Oxymorphone	5,000
Pentobarbital	12,492,000
Pethidine Intermediate A	5,112,000
Phenmetrazine	0
Phenylacetone	800,000
Secobarbital	2,657,000
Sufentanil	500
Thebaine	6,890,000

DEA will review the above established quotas in early 1985 to take in to consideration actual 1984 sales and actual December 31, 1984 inventories as well as other information which might be available to DEA.

Dated: January 3, 1985.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 85-1571 Filed 1-18-85; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Regulatory Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Regulatory Biology.

Date and time: February 6, 7, and 8, 1985, 8:30 a.m. to 5:00 p.m. each day.

Place: Room 523, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Lewis Greenwald, Program Director, Regulatory Biology Program Room 332, National Science Foundation, Washington, DC 20550 Telephone 202/357-7975.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

January 16, 1985.

[FR Doc. 85-1602 Filed 1-18-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses to Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 15th day of January 1985 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

NRC EXPORT APPLICATIONS

Name of applicant, date of application, date received, application number.	Material type (percent)	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Dec. 4, 1984, Dec. 5, 1984, XSNM02189.	93.3 19.95	14.530 120.240	13.556 23.988	Fuel for FRG-1 and FRG-2	West Germany.
Mitsui & Co. (U.S.A.), Inc., Dec. 5, 1984, Dec. 7, 1984, XSNM02190.	3.95	4,638	146	Reload fuel for Hamaoka Unit 2	Japan.

[FR Doc. 85-1628 Filed 1-18-85; 8:45 am]
BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment drafts of proposed revisions to three guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applicants for permits and licenses.

These drafts are temporarily identified by their task numbers, which should be mentioned in all correspondence concerning them:

Task OL 401-5, Proposed Revision 2 to Regulatory Guide 1.134, "Medical Evaluation of Nuclear Facility Personnel Requiring Operator Licenses"

Task OL 402-5, Proposed Revision 1 to Regulatory Guide 1.149, "Nuclear Power Plant Simulation Facilities for Use in Operator License Examinations"

Task OL 403-5, Third Proposed Revision 2 to Regulatory Guide 1.8, "Qualification and Training of Personnel for Nuclear Power Plants"

The revisions are being developed to present approaches that would be acceptable to the NRC staff for implementing the proposed amendments to 10 CFR Parts 50 and 55 announced November 26, 1984 (49 FR 46428) if they are promulgated in their present form.

These draft guides are being issued to involve the public in the early stages of the development of a regulatory position in their respective areas. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on these drafts, including any implementation schedule. Comments on the drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, by February 25, 1985, for OL 401-5 and OL 402-5 and by March 15, 1985, for OL 403-5.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Technology Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 14th day of January 1985.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 85-1629 Filed 1-18-85; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of four exemptions from the requirements of Appendix R to 10 CFR Part 50 to Maine Yankee Atomic Power Company (the licensee), for the Maine Yankee Atomic Power Stations located in Lincoln County, Maine.

Environmental Assessment

Identification of Proposed Action

These exemptions would allow the licensee to provide protection equivalent to that required by Section III.G of Appendix R to 10 CFR Part 50 for certain areas of the plant. The exemptions would cover the following plant areas:

1. Partial fire suppression and detection in the Turbine Building.

2. Separation of Flux Monitoring Within Reactor Containment Incore Instrumentation Area and Lower Pressurizer Cubicle.

3. Partial fire detection and lack of suppression in the Steam and Feedwater Valve House.

4. Partial fire suppression and detection in the Primary Auxiliary Building.

These exemptions are responsive to the licensee's applications for exemptions dated December 22, 1983 and April 30, 1984.

The Need for Proposed Action

The proposed exemptions are needed because the features described in the licensee's request regarding the existing fire protection at their plant for these items are the most practical method for meeting the intent of Appendix R and literal compliance would not significantly enhance the fire protection capability.

Environmental Impacts of the Proposed Action

The proposed exemptions will provide a degree of fire protection that is equivalent to that required by Appendix R for the specified areas of the plant such that there is no increase in the risk of fires at these facilities. Consequently, the probability of fires has been increased and the post-fire radiological releases will not be greater than previously determined nor do the proposed exemptions otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with these propcsed exemptions.

With regard to potential non-radiological impacts, the proposed exemptions involve features located entirely within the restricted area as defined in 10 CFR Part 20. They do not affect non-radiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemptions.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Maine Yankee Atomic Power Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the applications for the exemptions dated December 22, 1983 and April 30, 1984, which are available for public inspection at the Commissions' Public Document Room, 1717 H Street, NW., Washingon, D.C., and at the Wiscasset Public Library, High Street, Wiscasset Maine.

Dated at Bethesda, Maryland this 16th day of January, 1985.

For the Nuclear Regulatory Commission.

Dominic B. Vassallo,

Acting Assistant Director for Operating Reactors, Division of Licensing.

[FR Doc. 85-1632 Filed 1-18-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250, and 50-251]

Florida Power and Light Co. (Turkey Point Plant, Unit Nos. 3 and 4); Exemption

I

Florida Power and Light Company (the licensee) is the holder of Facility Operating License Nos. DPR-31 and DPR-41 which authorize the operation of the Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) at steady-state power levels not in excess of 2200 megawatts thermal. The facilities are pressurized water reactors (PWRs) located at the licensee's site in Dade County, Florida.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfing the provisions of Appendix R.

Section 50.48(c)(2) specifies schedules for modifications not requiring prior NRC approval and non-outage related, § 50.48(c)(3) specifies schedules for modifications not requiring prior NRC approval and outage related, and § 50.48(c)(4) specifies schedules for modifications pursuant to Section III.G..3 of Appendix R (alternate safe shutdown capability) which requires NRC approval and applies to both non-outage and outage related activities.

By letter dated November 16 and supplemented on December 14, 1984, the licensee requested exemptions to the schedular requirement of 10 CFR 50.48, Sections (c)(2), (c)(3) and (c)(4) for six items pursuant to CFR 50.12. The six items, current schedules required by Section 50.48 and the requested extensions are:

Units 3 and 4

(1) Water Suppression
—Required by 50.48(c)(2), January 31, 1985
—Requested extension (3 mos), April 30, 1985

(2) Structural Steel Fire Proofing
—Required by 50.48 (c)(2) & (c)(3, January 31, 1985
—Requested extension (approx. 12 mos.) Unit 4, fall 1985, Outage plus 1 month

(3) Fire Dampers
—Required by 50.48 (c)(2) & (c)(3), January 31, 1985
—Requested extension (approx. 11 mos.) Unit 4, Fall 1985, Outage

(4) Penetration Seals
—Required by 50.48 (c)(2) & (c)(3), January 31, 1985
—Requested extension (approx. 12 mos.) Unit 4, Fall 1985, Outage plus 1 month

Unit 3 Only

(5) Paceway Protection
—Required by 50.48 (c)(2) & (c)(3), January 31, 1985
—Requested extension (approx. 4 mos.) Unit 3, Spring 1985, Outage plus 1 month

(6) Alternate Shutdown
—Required by 50.48(c)(4) Unit 3, Spring 1985,
—Requested extension (approx. 18 mos.) Unit 3, Winter 1986, Outage

III

Reasonable interim compensatory measures for fire protection and post-fire safe shutdown capability must be provided in order to grant schedular exemptions from the implementation schedules defined in 10 CFR 50.48.

The licensee will implement three roving fire watch patrols which will cover all areas for which schedular relief has been requested as compensation pending the completion of the modifications in items 1 through 5 identified above. The fire watch patrols will be implemented January 31, 1985, and continue until all fire protection work identified for Appendix R in each of the affected fire areas has been completed and is operable. All producers and training needed for the fire watch patrols will be completed and available prior to the January implementation date.

The roving fire watch patrols will identify any indication of fire, smoke or burning odor and will immediately notify the control room; will be trained in the use of portable fire extinguishers; and will log-in at specific zones in their fire areas every 20 minutes on log sheets as detailed in the licensee's submittal.

In addition to the roving fire watch patrols, the licensee will implement a 24 hour continuous fire watch in the cable spreading room, the auxiliary building north-south breezeway and the control room as compensation pending completion of the alternate shutdown capability for Unit 3. The continuous fire watches will be implemented prior to the Unit 3 start-up after the spring 1985 refueling outage and continue until all the Unit 3 alternate shutdown work has

been completed and the equipment is operable.

All procedures and training required for the continuous fire watches for each of the three areas identified above will be completed and available prior to the watch implementation date. The fire watches will identify any indication of fire, smoke or burning odor and will immediately notify the control room; will be trained in the use of portable fire extinguishers; and will supplement their continuous observations by making area-wide surveys at a frequency of once every 20 minutes as detailed in the licenee'e submittal.

If a fire should occur within any fire are monitored by the roving fire watch patrols or the continuou 24 hour fire watches, there is reasonable assurance that the fire will be detected in its incipient stage before significant flame propagation or temperature rise occurs. Upon discovery of a fire, the control room will be immediatley notified and a fire brigade response initiated. The fire patrols and watches will be trained in the proper use of portable fire extinguishers and be capable of controling or suppressing the fire to minimize damage pending arrival of the fire brigade.

The projected status of the Appendix R fire protection related work for the Turkey Point Plant as of January 31, 1985, is detailed in the licensee's December 14, 1984 letter. The hangers will be fabricated and installation of the water and halon suppression systems started. Substantial portions of fire detection, barriers and fire doors will be completed. Thirty-five percent of the penetration seals and the major portion of the conduit for cable rerouting will also be completed. The design documents for alternate shutdown will be available and installation started. Fire damper related work is currently on a hold status until resolution of qualification problems with the vendor.

IV

Based on the construction and current status of the fire portion related work discussed above, the staff has concluded that the licensee has provided sound rationale for the need of schedular relief; a best effort is being expended to complete the Appendix R related work; and reasonable and acceptable interim measures for fire protection and alternate shutdown capability to support the requested schedular exemptions have been provided. Therefore, based on our evaluation, the staff has concluded that the requested schedular exemption from the requirements of 10 CFR 50.48, Sections (c)(2), (c)(3) and (c)(4) should be granted.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the schedular exemptions requested by the licensee's letter of November 16, 1984 and supplemented on December 14, 1984, are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

The Commission hereby grants the licensee exemptions from the schedular requirements of 10 CFR 50.48 (c)(2), (c)(3) and (c)(4) for the following six areas and duration:

Units 3 and 4

(1) Water Suppression—April 30, 1985
(2) Structural Steel—Unit 4, Fall 1985, Outage startup plus one month Fire Proofing
(3) Fire Dampers—Unit 4, Fall 1985, Outage startup plus one month
(4) Penetration Seals—Unit 4, Fall, 1985, Outage startup plus one month

Unit 3 only

(5) Raceway Protection—Unit 3, Spring 1985, Outage startup plus one month
(6) Alternate Shutdown—Unit 3, Winter 1986, Outage startup

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (50 CFR 2112, January 15, 1985).

For further details with respect to this action, see the request for exemption dated November 16 and supplement dated December 14, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of January 1985.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85–1630 Filed 1–18–85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–289, 50–320 and 50–219]

General Public Utilities Nuclear Corp. (Three Mile Island Units 1 & 2) (Oyster Creek Nuclear Generating Station); Issuance of a Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied a Petition filed under 10 CFR 2.206 by Joanne Doroshow on behalf of Three Mile Island Alert, Inc., and other named Petitioners regarding Three Mile Island Nuclear Station (TMI) Units 1 and 2 and the Oyster Creek Nuclear Generating Station. The Petitioners requested that the Nuclear Regulatory Commission revoke the licenses of General Public Utilities Nuclear Corporation (GPUN) to operate TMI Units 1 and 2 and the Oyster Creek Nuclear Generating Station. As a basis for the Petition, the Petitioners alleged that GPUN lacks the requisite character to safely operate a nuclear reactor.

The Staff has considered the Petitioners' allegations and has determined that they do not provide an adequate basis for the relief requested. The reasons are fully described in a "Director's Decision Under 10 CFR 2.206," (DD–85–1), which is available for public inspection in the Commission's Public Document Room located at 1717 H Street, NW., Washington, DC 20555, and the local public document room for the Three Mile Island Nuclear Station located in the Government Publications Section of the State Library of Pennsylvania, Education Building, Commonwealth Avenue and Walnut Street, Harrisburg, Pennsylvania 17105, and for the Oyster Creek Facility located at the Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

A copy of the decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 15th day of January 1985.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85–1631 Filed 1–18–85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York (James A. FitzPatrick Nuclear Power Plant); Exemption

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59 which authorizes the licensee to operate the James A. FitzPatrick Nuclear Power Plant (the facility) at power levels not in excess of 2436 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.48 of 10 CFR Part 50 requires that licensed operating reactors be subject to the requirements of Appendix R of 10 CFR Part 50. Appendix R contains the general and certain specific requirements for fire protection programs at licensed nuclear facilities. On February 17, 1981, the fire protection rule for nuclear power plants, 10 CFR 50.48 and Appendix R, became effective. This rule required all licensees of plants licensed prior to January 1, 1979, to submit by March 19, 1981: (1) Plans and schedules for meeting the applicable requirements of Appendix R, (2) a design description of any modifications proposed to provide alternative safe shutdown capability pursuant to Paragraph III.G.3 of Appendix R, and (3) exemption requests for which the tolling provision of § 50.48(c)(6) was to be invoked. On March 19, 1981, the licensee requested and was subsequently granted a schedular exemption for submitting the required information until February 1982. The licensee responded to these requirements by letter dated February 26, 1982, and supplemented its response by information contained in letters dated July 13 and November 11 1982; March 1, April 5 and May 19, 1983. In these submittals, the licensee requested certain exemptions from the requirements of Section III.G of Appendix R to 10 CFR Part 50.

On February 1, 1984 we granted these exemptions to the licensee. Subsequently, in a letter dated July 16, 1984 which clarified the licensee's May 19, 1983 letter, the licensee requested that the need for cable tray suppression systems at the boundary of zones RB-1A and RB-1B be eliminated and requested approval to exercise the option of either installing a water spray system or installing a 1-hour fire barrier around four open stairways to prevent vertical fire propagation into an adjoining zone. The latter option was approved as part of the February 1 Exemption. The Exemption supersedes the one dated February 1, 1984 in that it approves the above-mentioned requests. All other aspects of the February 1, 1984 Exemption remain unchanged.

Section III.G of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

If these conditions are not met; Section III.G.3 requires an alternative shutdown capability independent of the fire area of concern. It also requires that a fixed suppression system be installed in the fire area of concern if it contains a large concentration of cables or other combustibles. These alternative requirements are not deemed to be equivalent; however, they provide equivalent protection for those configurations in which they are accepted.

Because it is not possible to predict the specific conditions under which fires may occur and propagate, the design basis protective features are specified in the rule rather than the design basis fire. Plant specific features may require protection different than the measures specified in Section III.G. In such a case, the licensee must demonstrate, by means of a detailed fire hazards analysis, that existing protection or existing protection in conjunction with proposed modifications will provide a level of safety equivalent to the technical requirements of Section III.G of Appendix R.

Our general criteria for accepting an alternative fire protection configuration are the following:

- The alternative assures that one train of equipment necessary to achieve hot shutdown from either the control room or emergency control stations is free from damage.
- The alternative assures that fire damage to at least one train of equipment necessary to achieve cold shutdown is limited such that it can be repaired within a reasonable time (minor repairs with components stored on-site).
- Modifications required to meet Section III.G would not enhance fire protection safety above that provided by either existing or proposed alternatives.
- Modifications required to meet Section III.G would be detrimental to overall facility safety.

The exemption requests we found to be acceptable are as follows:

1. The licensee requested an exemption from the provisions of Section III.G.2 of Appendix R for zones RB-1E and RB-1W, located within east and west sections of the reactor building crescent area, to the extent that at least 20 feet of separation without intervening combustible material, is required between redundant shutdown divisions. Within these areas is a location referred to as the "HCPI Area," where Division A and Division B cabling are separated by a distance of 26 feet. However, the intervening space contains combustible material in the form of cable insulation in overhead trays and lubricating oil in the HPCI system. The licensee's justification for the exemption is based on the following:

A. The Crescent Area is equipped with a complete fire detection system.

B. The HPCI area near the boundary of RB-1E and RB-P1W is protected by a manual activated foam fire suppression system and an automatically activated water spray system.

C. A water spray system will be installed between redundant systems at the RB-1E and RB-1W zone boundary.

D. The Crescent Area contains minimal quantities of combustible material and is equipped with portable fire extinguishers and manual hose stations.

E. The design of the HPCI system is such as to reduce the likelihood of a lubricating oil fire from developing.

F. A fire model was utilized to assess the impact of a fire in the HPCI area. The results, according to the licensee, demonstrate that safe shutdown capability could be maintained after such a fire.

The requirements of Section III.G.2.b regarding separation and intervening combustible materials, are intended to achieve a degree of passive fire protection for redundant shutdown systems. The passive protection, coupled with the III.G.2.b requirements for an area-wide fire detection and fire suppression system, provide reasonable assurance that at least one train of shutdown systems will be free of fire damage. The technical requirements of Section III.G are not met because intervening combustible materials are located between redundant safety divisions.

The HPCI system has certain design features such as shielding of hot surfaces and trouble alarms which reduce the likelihood of a lubricating oil fire. If a fire should occur, the HPCI area is protected by a foam fire suppression system and a water spray system. Protection from fire involving the combustible cable insulation will be provided by the proposed water spray system.

The licensee used a fire model to verify that an acceptable level of passive fire protection was achieved by the present area configuration, taking no credit for the above referenced fire suppression and detection systems. The separation between redundant cables achieves a level of protection sufficient to provide reasonable assurance that no significant damage would be sustained by redundant safety systems pending fire suppression by the automatic and manual fire suppression systems or by the fire brigade.

Based on our review of the licensee's submittals, we conclude that additional modifications to meet the requirements of Section III.G.2 would not enhance fire safety above that provided by the proposed alternative. Therefore, the licensee's request for exemption for zones RB–1E and RB1W (East and West Sections for the Reactor Building Cresent Area) should be granted.

2. The licensee requested an exemption from the provisions of Section III.G.a of Appendix R for zones RB–1A and RB–1E located within the southeast quadrant of the reactor building at elevation 272 feet, and the east section of the crescent area, to the extent that a 3-hour fire rated barrier between redundant shutdown divisions is required. Safe shutdown systems located in these zone, consist primarily of Division B cabling and components, including those associated with RHR, Core Spray, HPCI, ESW, and manual ADS. Division A components in these areas include power and control cables a RCIC steam supply valve (among others) and a motor control center.

Existing fire protection for these locations consists of an area-wide smoke detection system; manual hose stations and portable fire extinguishers; fixed fire suppression system for the HPCI enclosure. In lieu of a 3-hour fire rated enclosure around the open stairway, the licensee has proposed to either install a fire barrier of a lesser fire resistance, designed to mitigate the propagation of products of combustion from elevation 227 (Area RB–1E) to elevation 272 (Area RB–1A) or to install a water spray system around the open stairway. The licensee committed to provide a barrier with fire resistance that will be commensurate with the fire loading in the entire zone. The water spray system will be designed to discharge water in a pattern that will prevent vertical fire propagation into the adjoining zone. The zones are not in compliance with Appendix R because of the lack of a 3-hour fire rated barrier between redundant divisions at the open stairway between RB–1A and RB–1E.

Although Division A and Division B shutdown components are identified as being potentially damaged by a fire in the subject areas, the licensee has identified a redundant/alternate shutdown capability with systems located, in part, in adjoining fire zones. The viability of this safe shutdown capability is dependent upon the adequacy of the fire protection at zone boundaries, which is the subject of other exemption requests.

The concern with the open stairway between the subject areas is that a fire which originates within RB–1E will propagate to RB–1A via the unprotected stairway. The quantity of combustibles in RB–1E is nearly 10,000 lbs. of cable insulation and lube oil. This represents a fire loading of approximately 41,000 Btus/sq. ft., which corresponds to a fire severity on the ASTM E–119 time-temperature curve of about 30 minutes. It is the staff's judgement that a fire of this magnitude and duration would not occur because, to assure that it would, ignores the protection afforded by the fire detection and suppression system previously identified and the damage mitigating actions of the plant fire brigade.

The above considerations provide adequate justification for the erection of a barrier having a fire resistance rating of at least 1-hour in lieu of the 3 hours specified by Section III.G.2.a. The installation of an automatic sprinker system, which discharges water in a "curtain" fashion around the unprotected floor penetrations at the stairways will provide us with reasonable assurance that significant quantities of smoke and hot gases will not propagate vertically into adjoining zones.

Based on our review of the licensee's submittals, we conclude that either of the licensee's proposed alternatives will provide reasonable assurance that one safe shutdown division will be free of fire damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's request for exemption for zones RB–1A and RB–1E (southeast quadrant of the reactor building at elevation 272 feet, and the east section of the crescent area) should be granted.

The licensee requested an exemption from the provisions of Section III.G.2.a of Appendix R for zones RB–1A and RB–1C located within the northeast quadrant of the reactor building at elevations 300 and 326 feet, to the extent that a 3-hour fire rated barrier between redundant shutdown divisions is required. Safe shutdown systems located in these zones consist primarily of Division B cabling and components, including those associated with RHR, Core Spray, ADS, RCIC, HPCI, and ESW. Division A components located in these areas consist of power and control cables for RCIC steam supply valve 13MOV–16, control 151, and injection valves for Division A core spray.

Existing fire protection for these locations consists of an area-wide fire detection system; manual hose stations; and portable fire extinguishers.

In lieu of a 3-hour fire rated enclosure around the stairway, the licensee has proposed to either install a fire barrier of a lesser fire resistance, designed to mitigate the propagation of fire from elevation 300 feet (RB–1C) to elevation 326 feet (RB–1A) or to install a water spray system around the open stairway. The licensee has committed to provide a barrier with fire resistance that will be commensurate with the fire loading in the entire zone. The water spray system will be designed to discharge water in a pattern that will prevent vertical fire propagation into the adjoining zone. The zones are not in compliance with Appendix R because of the lack of a 3-hour fire rated barrier between redundant divisions at the connecting stairway between them.

Although Division A and Division B shutdown components are identified as being potentially damaged by a fire in these areas, the licensee has identified a redundant/alternate shutdown capability with systems located, in part, in adjoining fire zones. The viability of this safe shutdown capability is dependent upon the adequacy of the fire

protection at zone boundaries, which is the subject of other exemption requests.

The concern with the open stairway between these areas is that a fire which originates within RB–1C will propagate to RB–1A via the unprotected stairway. The quantity of combustibles in elevation 300 feet (RB–1C) is nearly 17,000 lbs. of cable insulation. This represents a fire loading of approximately 15,000 Btus/sq. feet which corresponds to a fire severity on the ASTM E–119 time-temperature curve of about 12 minutes. To assume that a fire of this magnitude and duration would occur does not take into consideration the protection afforded by the fire protection systems that are available and the damage mitigating actions of the plant fire brigade. The above considerations provide adequate justification for the erection of a barrier having a fire resistance rating of at least 1-hour in lieu of the 3 hours specified by Section III.G.2.a. The installation of an automatic sprinkler system, which discharges water in a "curtain" fashion around the unprotected floor penetrations at the stairways will provide us with reasonable assurance that significant quantities of smoke and hot gases will not propagate vertically into adjoining zones.

Based on our review of the licensee's submittals, we conclude that either of the licensee's proposed alternatives will provide reasonable assurance that one safe shutdown division will be free of fire damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's request for exemption for zones RB–1A and RB–1C (northeast quadrants of the reactor building at elevations 300 and 326 feet) should be granted.

4. The licensee requested an exemption from the provisions of Section III.G.2, III.G.3 and III.L of Appendix R for zones RB–1E and RB–1W located within the east and west sections of the reactor building crescent area to the extent that these provisions require either (1) a 3-hour fire rated barrier between redundant shutdown divisions, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles or a 1-hour fire barrier, or (3) an alternate shutdown capability independent of the fire area. Each of these zones contains shutdown systems that are redundant with systems located in the adjacent zone.

Specific safety-related equipment located within the two zones consists of redundant core spray pumps, redundant RHR pumps, RCIC pump, redundant unit space coolers and motor control centers and related cabling.

Existing fire protection includes an area-wide ionization-type smoke detection system which alarms in the control room; an automatic water spray fire suppression system in the HPCI enclosure (with a capability for manual discharge); a manual foam fire suppression system in the HPCI enclosure; portable fire extinguishers and manual hose stations. The licensee has committed to install a water spray fire suppression system at the interface area of zones RB–1E and RB–1W. The system will be designed to discharge water in a "curtain" pattern completely across the common zone boundary to preclude the spread of fire damage beyond a single zone.

The zones are not in compliance with the above-mentioned provisions of Sections III.G and III.L of Appendix R. The staff was concerned that, because of the absence of a complete fire rated barrier between zones, redundant shutdown related systems, which are located in adjoining zones, would be vulnerable to fire damage. However, the fire zones are provided with complete fire detection systems which achieve area-wide coverage. Upon activation, these systems alarm both visually and audibly in the control room. These systems provide reasonable assurance that a fire would be detected in its initial stage before significant damage occurred. The fire would then be extinguished by the fire brigade using manual fire fighting equipment.

If the fire propagated beyond the immediate area of fire origin, the masonry walls, floor and ceiling would confine the damage to the affected fire zone. At the common zone boundaries, where no such physical barriers exist, the proposed water spray system is designed to activate and discharge water in a "curtain" pattern so as to prevent fire spread into the horizontally or vertically adjoining zones. This type of system has been used successfully to protect conveyor openings in fire walls and escalator openings in buildings. Therefore, there is reasonable assurance that redundant shutdown systems in adjoining zones would remain free of damage until the fire was suppressed manually.

Based on our review of the licensee's submittals, we conclude that the existing fire protection with the proposed modifications provide a level of fire protection equivalent to that provide by Section III.G. Therefore, the exemption requested by the licensee for zones RB–1E and RB–1W (east and west sections of reactor building crescent area) should be granted.

5. The licensee requested an exemption from the provisions of Sections III.G.2, III.G.3 and III.L of Appendix R for zones RB–1A and RB–1B located within the southeast and southwest quadrants of the reactor building on elevations 272 and 300 feet to the extent that these provisions require either (1) a 3-hour fire rated barrier between redundant shutdown divisions, (2) an area-wide automatic fire suppression system with separation by 20 feet of intervening combustibles or a 1-hour fire barrier, or (3) an alternate shutdown capability independent of the fire area.

Each of these zones contains shutdown systems that are redundant with system located in the adjacent zone.

Specific safety-related equipment located within the two zones include Division A and Division B systems associated with RHR, core spray, and ADS; Division A, RCIC; and Division B, HPCI.

Existing fire protection for zones consist of an area-wide fire detection system which alarms in the control room; portable fire extinguishers; and manual hose stations.

The licensee has committed to install in a water spray fire suppression system at the interface areas of zones RB–1A and RB–1B. The system will be designed to discharge water in a "curtain" pattern completely across the common zone boundary to preclude the spread of fire damage beyond a single zone.

The zones are not in compliance with the above-mentioned provisions of Section III.G and III.L of Appendix R. The staff was concerned that, because of the absence of a complete fire rated barrier between zones, redundant shutdown-related systems, which are located in adjoining zones, would be vulnerable to fire damage. However, the fire zones are provided with complete fire detection systems which achieve area wide coverage. Upon activation, these systems alarm both visually and audibly in the control room. These systems provide reasonable assurance that a fire would be detected in its initial stage before significant damage occurred. The fire would then be extinguished by the fire brigade using manual fire fighting equipment.

If the fire propagated beyond the immediate area of fire origin, the masonry walls, floor and ceiling would confine the damage to the affected fire zone. At the common zone boundaries, where no such physical barriers exist, the proposed water spray system is

designed to activate and discharge water in a "curtain"pattern so as to prevent fire spread into the horizontally or vertically adjoining zones. This type of system has been used successfully to protect conveyor openings in fire walls and escalator openings in buildings. Therefore, there is reasonable assurance that redundant shutdown systems in adjoining zones would remain free of damage until the fire was suppressed manually.

Based on our review of the licensee's submittals, we conclude that the existing fire protection with the proposed modifications provides a level of fire protection equivalent to that provided by Section III.G. Therefore, the exemption requested by the licensee for zones RB–1A and RB–1B (southeast and southwest quadrants of the reactor building on elevations 272 and 300 feet) should be granted.

6. The licensee requested an exemption from the provisions of Sections III.G.2, III.G.3 and III.L of Appendix R for zones RB–1B and RB–1C located within the northwest and southwest quadrants of the reactor building on elevation 300 feet to the extent that these provisons require either (1) a 3-hour fire rated barrier between redundant shutdown divisions, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles or a 1-hour fire barrier, or (3) an alternate shutdown capability independent of the fire area.

Each of these zones contains shutdown systems that are redundent with systems located in the adjacent zones.

Specific safety-related equipment located within the two zones include Division A and B systems associated with RHR, core spray, ADS and RCIC; Division B, HPCI; and motor control center 161 (B). Existing fire protection includes an area-wide fire detection system which alarms in the control room; portable fire extinguishers and manual hose stations.

The licensee has committed to install a water spray fire suppression system at the interface area of zones RB–1B and RB–1C. The system will be designed to discharge water in a "certain" pattern completely across the common zone boundary to preclude the spread of fire damage beyond a single zone.

The zones are not in compliance with the above-mentioned provisons of Section III.G and III.L of Appendix R. The staff was concerned that, because of the absence of a complete fire rated barrier between zones, would be vulnerable to fire damage.

However, the fire zones are provided with complete fire detection systems which achieve area-wide coverage. Upon activation, these systems alarm both visually and audibly in the control room. These systems provide reasonable assurance that a fire would be detected in its initial stage before significant damage occurred. The fire would then be extinguished by the fire brigade using manual fire fighting equipment.

If the fire propagated beyond the immediate area of fire origin, the masonary walls, floor and ceiling would confine the damage to the affected fire zone. At the common zone boundaries, where no such physical barriers exist, the proposed water spray system is designed to activate and discharge water in a "curtain" pattern so as to prevent fire spread into the horizontally or vertically adjoining zones. This type of system has been used successfully to protect conveyor openings in fire walls and escalator openings in buildings. Therefore, there is reasonable assurance that redundent shutdown systems in adjoining zones would remain free of damage until the fire was suppressed manually.

Based on our review of the licensee's submittals, we conclude that the existing fire protection with the proposed modifications provide a level of fire protection equivalent to that provided by Section III.G. Therefore, the exemption requested by the licensee for zones RB–1B and RB–1C (northwest and southwest quadrants of the reactor building on elevation 300 feet) should be granted.

7. The licensee requested an exemption from the provisions of Sections III.G.2, III.G.3 and III.L of Appendix R for zones RB–1B and RB–1A located within the southwest quadrant of the reactor building at elevations 300 and 326 feet to the extent that these provisions require either (1) a 3–hour fire rated barrier between redundant shutdown divisions, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles or a 1–hour fire barrier, or (3) an alternate shutdown capability independent of the fire area.

Each of these zones contains shutdown systems that are redundant with systems located in the adjacent zone.

Specific safety-related equipment located within the two zones include Division A and Division B systems associated with RHR, core spray, and ADS; Division Al. RCEC; and Division B, HPCI.

Existing fire protection for the zone consists of an area-wide fire detection system which alarms in the control room; portable fire extinguishers; and manual hose stations.

The licensee has committed to install a water spray fire suppression system at the open interface areas of zones RB–1B and RB–1A and a fire barrier or a water spray system at the open stairway. The system will be designed to discharge water in a "curtain" pattern to preclude the spread of fire damage beyond a single zone.

The zones are not in compliance with the above-mentioned provisions of Section III.G and III.L of Appendix R. The staff was concerned that because of the absence of a complete fire rated barrier between zones, redundant shutdown-related systems, which are located in adjoining zones, would be vulnerable to fire damage.

However, the fire zones are provided with complete fire detection systems which achieve area-wide coverage. Upon activation, these systems alarm both visually and audibly in the control room. These systems provide us with reasonable assurance that a fire would be detected in its initial stage before significant damage occurred. The fire would then be extinguished by the fire brigade using manual fire fighting equipment.

If the fire propagated beyond the immediate area of fire origin, the masonry walls, floor and ceiling would confine the damage to the affected fire zone. At the common zone boundaries, where no such physical barriers exist, the proposed water spray system is designed to activate and discharge water in a "curtain" pattern so as to prevent fire spread into the horizontally or vertically adjoining zones. This type of system has been used successfully to protect conveyor openings in fire walls and escalator openings in buildings. Therefore, there is reasonable assurance that redundant shutdown systems in adjoining zones would remain free until the fire was suppressed manually.

Based on our review of the licensee's submittals, we conclude that the existing fire protection with the proposed modifications provide a level of fire protection equivalent to that provided by section III.G. Therefore, the exemption requested by the licensee for zones RB–1B and RB–1A (southwest quadrant of the reactor building at elevations 300 and 326 feet) should be granted.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby

approves the following exemption request:

Exemption is granted to the extent indicated from the requirements of Sections III.G and III.L of Akppendix R to 10 CFR Part 50 for the following areas:

1. Zones RB–1E and RB–1W (east and west sections of the reactor building crescent area) - to the extent that either (1) a 3-hour fire rated barrier between redundant shutdown divisions is required, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1–hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

2. Zones RB–1A and RB–1E (southeast quadrant of the reactor building at elevation 272 feet and the east section of the crescent area)—to the extent that either (1) a 3–hour fire rated barrier between redundant shutdown divisions is required, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1–hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

3. Zones RB–1A and RB–1C northeast quadrants of the reactor building at elevations 300 and 320 feet)—to the extent that either (1) a 3-hour fire rated barrier between redundant shutdown divisions is required, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1–hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

4. Zones RB–1E and RB–1W (east and west sections of the reactor building crescent area) - to the extent that either (1) a 3–hour fire rated barrier between redundant shutdown divisions is required, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1–hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

5. Zones RB–1A and RB–1B (southeast and southwest quadrants of the reactor building at elevations 272 and 300 feet) - to the extent that either (1) a 3–hour fire rated barrier between redundant shutdown divisions is required, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1–hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

6. Zones RB–1B and RB–1C (northwest and southwest quadrants of the reactor building at elevation 300 feet) - to the extent that either (1) a 3–hour fire rated barrier between redundant shutdown divisions is required, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1–hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

7. Zones RB–1B and RB–1A (southwest quadrant of the reactor building at elevations 300 and 326 feet) - to the extent that either (1) a 3–hour fire rated barrier between redundant shutdown divisions is required, (2) an area-wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1–hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of these exemptions will have no significant impact on the environment (49 FR 45513).

Dated at Bethesda, Maryland, this 11th day of January 1985.

For the Nuclear Regulatory Commission.

Darrell G. Eisennut,

Director; Division of Licensing; Office of Nuclear Reactor Regulation.

[FR Doc. 85–1633 Filed 1–18–85; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

State Agency Advisory Committee; Regular Meeting

AGENCY: State Agency Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4.

Activities will include:

- Review Economic/Demographic Forecasts
- Review Financial Assumptions
- Review Cost of Delaying the Model Conservation Standards

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its State Agency Advisory Committee.

DATE: Thursday, January 24, 1985. 9:00 a.m.

ADDRESS: The meeting will be held at the Council Conference Room at 850 S.W. Broadway; Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Jim Litchfield, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 85–1572 Filed 1–18–85; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14317 812–5942]

Financial Industrial, Fund, Inc., et al.; Application for an Order

January 11, 1985.

Notice is hereby given that Financial Industrial Fund, Inc. ("FIF"), Financial Industrial Income Fund, Inc. ("FIIF" and Financial Daily Income Shares, Inc. ("FDIS") (collectively, "Applicants"), 7503 Marin Drive, Englewood, Colorado, 80111, registered under the Investment Company Act of 1940 ("Act"), as open-end, diversified management investment companies, filed an application on September 24, 1984, for an order of the Commission pursuant to section 6(c) of the Act exempting Applicant from the provisions of sections 13(a)(2), 18(f)(1), 22(f) and 22(g) of the Act, in connection with the deferred fee agreements ("Agreements") proposed to be entered into by each Applicant, and pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, to permit certain transactions to be effected by Applicants with certain of their directors pursuant to the Agreements. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the relevant statutory provisions.

Applicants are no-load funds, managed and distributed by Financial Programs, Inc. ("Programs"). Applicants each have nine-member boards of directors, of whom two members are interested person of Programs and do not receive director's fees. Applicants represent that each of the directors who is not an interested persons of Programs currently receives aggregate fees from Applicants of approximately $12,000 per annum for service as a director (the chairman of the board receives an additional annual fee of approximately $3,500), and approximately $1,650 per annum for serving on one or more of each Applicant's committees.

The purpose of the Agreements, it is stated, is to permit one or more "non-interested" directors of each Applicant to elect to defer receipt of director's fees, in order to avoid diminution or loss of social security benefits to which the director may otherwise be entitled, to enable the director to defer payment of income taxes on such fees, or for other reasons. Applicants represent that participation in the deferred fee arrangements will be limited to those directors who are not "interested persons" of the Applicants within the meaning of section 2(a)(19) of the Act.

Applicants state that the Agreements will allow a director to elect to defer receipt of all director's fees that otherwise would become payable to him for services performed after the date of the Agreements. Applicants further state that the deferred fees will be accrued to the director's benefit on a quarterly basis, based on the annual compensation rate for directors in effect from time to time during the year. Applicants represent that the fees to be paid for attending meetings of a board or of a committee will be accrued on the business day following such a meeting.

Deferred fees and any interest thereon will become payable in cash upon termination of the director's service in such capacity or, at the election of a director, upon his attainment of a specified age, with payment to be made in a lump sum or in such number of annual installments as will be determined by each director. Applicants state that in the event of a director's death, amounts payable to him under an Agreement will thereafter be payable to his designated beneficiary; in all other events, the director's right to receive payments will be non-transferable.

Applicants further state that their respective obligations to make payments of amounts accrued under the Agreements will be general unsecured obligations, payable solely from their respective general assets and property. Applicants represent that each of them may set aside cash to fund these general obligations in a deferred fee account, and at the discretion of each may invest the funds in such deferred fee account in shares of any one or more than one of the Applicants' common stock.

Applicants submit that deferral of director's fees in accordance with the Agreements will have a negligible effect on Applicants' assets, liabilities, net assets and net income per share. Moreover, Applicants state that the Agreements will not obligate Applicants to pay any (or any paticular level of) director's fees to any director.

Applicants contend that the Agreements possess none of the characteristics of senior securities which led Congress to enact the restrictions on the issuance of such securities set forth in section 18 and 13(a)(2) of the Act. In this respect, Applicants submit that they would not be "borrowing" under the Agreements in the sense which concerned Congress, and that all liabilities created under the Agreements would be offset by essentially equal assets of the Applicants which would not otherwise exist if the director's fees were paid on a current basis. Applicants further contend that the Agreements would not induce speculative investments by Applicants, or provide opportunity for manipulative allocation of Applicants' expenses and profits; that control of the Applicants would not be affected; and, given the prevalent existence of deferred compensation arrangements, the Agreements would not confuse investors, make it difficult for them to value Applicants' securities, or convey a false impression of safety.

With respect to the requested exemption from section 22(f) of the Act, Applicants submit that the restriction on transferability of a director's benefits would be clearly set forth in the Agreements, would be included primarily to benefit the director, and would not adversely affect the interest of the director, or of a shareholder of any applicant. Applicants further argue that the Agreements would not have the effects of diluting the equity or voting power of their shareholders as prohibited by section 22(g) of the Act. Thus, Applicants assert that the Agreements would merely provide for deferral of payment of such fees and thus may be viewed as being "issued" not in return for services, but in return for Applicants' not being required to pay such fees on a current basis.

Applicants express the view that with regard to the applicability of section 17(d), and Rule 17d–1, to the proposed deferred compensation arrangement the Agreements do not possess profit-sharing characteristics as contemplated by paragraph (c) of Rule 17d–1, which defines "joint enterprise or other joint arrangement or profit-sharing plan" for, purposes of the Rule. Under the Agreements, each applicant has the discretion to set aside cash to fund the general obligations accuring under the Agreements and may invest the funds in shares of Applicants' common stock. As such, the income, realized gain, or loss on investments, or unrealized appreciation or depreciation of the assets of an Applicant would be received indirectly by a director through receipt thereof by the deferred fee account; such receipt would, however, be identical in amount to the income, gain, loss, appreciation, or depreciation which would be received by a shareholder of an Applicant, whose shares were held in the deferred fee account. As an affiliated person, the director would neither directly nor indirectly receive a benefit which would otherwise inure to an Applicant or to any shareholder thereof. Applicants submit that the agreements would not, therefore, constitute a joint or joint and several participation by any of the Applicants with an affiliated person in a transaction on a basis different from or less advantageous than that of the affiliated person.

On the basis of the foregoing, Applicants assert that deferral of director's fees in accordance with the Agreements would essentially maintain the parties, viewed both separately and in their relationship to one another, in the same position as if the fees were paid on a current basis. On a comparative basis, Applicants contend, deferrel would have a negligible effect on the assets, liabilities, net assets and net income per share of the Applicants, since the total fees paid to each director eligible for deferral are *de minimus* in comparision to the size of each applicant's assets. Applicants further assert that their ability to recruit and retain highly qualified directors would be enhanced if they were able to offer their directors the option of deferred payment of director's fees. Applicants contend that this benefit to themselves and their shareholders outweighs any tax, social security, or other benefit that may be realized by an individual director under the proposed Agreements.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 5, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-1636 Filed 1-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14313 (812-5516)]

Filing of Application for an Order Granting a Retroactive Exemption Janus Fund, Inc.; and Janus Capital Corporation; 100 Fillmore St., Suite 300, Denver, CO, 80206,

January 11, 1985.

Notice is hereby given that Janus Fund, Inc. ("Fund"), 100 Fillmore St., Suite 300 Denver, Colorado, 80206, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and Janus Capital Corporation ("JCC"), successor by merger to Janus Management Corporation ("JMC") ("Applicants"), filed an application on March 29, 1983, and amendments thereto on November 25, 1983 and October 23, 1984, requesting an order of the Commission, pursuant to section 6(c) of the Act, granting a retroactive exemption from all provisions thereof with respect to the transactions described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the applicable provisions thereof.

According to the application, at all times relevant to this amended application, JMC was the investment adviser to the Fund and was registered under the Investment Advisers Act of 1940 ("Advisers Act"). Applicants state that, on June 15, 1984, JMC merged into JCC and thus JCC became entitled to all of the rights and franchises, and subject to all of the liabilities, of JMC. Applicants further state that, on June 14, 1984, the shareholders of the Fund approved a new investment advisory agreement between the Fund and JCC, and since June 15, 1984, JCC has been and presently is the investment adviser to the Fund (JCC is registered under the Advisers Act).

Applicants state that, prior to March 18, 1983, the Articles of Incorporation of the Fund authorized the Fund to issue up to 10,000,000 shares of capital stock with a par value of $.01 per share. The application indicates that, as of January 7, 1983, the Fund had issued all of its 10,000,000 shares of authorized capital stock but that, due to an administrative error, sales of Fund shares continued until February 8, 1983, when management of the Fund became aware that the authorized capital of the Fund had been exceeded and further sales were discontinued. The application states that orders for 2,168,714.117 Fund shares in excess of the 10,000,000 authorized shares were received and accepted after January 7, 1983, through February 8, 1983, with sales made at prices ranging from $10.34 to $11.20 per share.

Applicants state that on February 28, 1983, the board of directors of the Fund determined, after full consideration of the matter, that an amount equal to the current net asset value of all of the shares that were confirmed after January 7, 1983, when the 10,000,000 authorized shares were exceeded, and which had not been redeemed, should be withdrawn from the Fund and held in a separate, temporary fund for the benefit of the investors whose purchases were confirmed after January 7, 1983. Applicants further state that those amounts were transferred as of the close of business on March 1, 1983, with the net asset value per share of the Fund being $11.61 on that date. The application indicates that the temporary fund was invested in short-term United States government securities and that the investors were informed that they could redeem their investments from the temporary fund immediately upon request.

The application states that, at the adjourned annual meeting and special meeting of shareholders held on March 18, 1983, the shareholders of the Fund authorized an increase in the authorized capital stock of the Fund from 10,000,000 shares with a par value of $.01 per share to 30,000,000 shares with a par value of $.01 per share; following such approval, all amounts held in the temporary fund that had not been redeemed by the approval date were reinvested in Fund shares at $11.81 per share, the net asset value per share at the close of business on that date.

Applicants represent that the over issuance of Fund shares was inadvertent, resulting from a dramatic increase in sales of Fund shares that begain in the summer of 1982. The application states that JMC agreed to indemnify the Fund from loss or expense that the Fund may suffer by reason of the continued sale of Fund shares in excess of the Fund's authorized capital, which include the costs of establishing and maintaining the temporary fund, including but not limited to excess brokerage fees incurred by the Fund, and other legal costs involved in resolving the matter. Applicants further represent that the board of directors of the Fund, in particular, the board members who are not "interested persons" (as that term is defined in section 2(a)(19) of the Act) of the Fund or JMC or its successor JCC reviewed and unanimously approved the detrmination of the amount to be reimbursed to the Fund by JMC or its successor JCC under this indemnification arrangement on account of excess brokerage commissions incurred by the Fund in establishing the temporary fund and transferring assets to and from the temporary fund.

Applicants seek a retroactive exemption from all provisions of the Act to the extent necessary to make lawful thereunder the transfer to the temporary fund of assets of the Fund equal to the then net asset value of all of the unredeemed shares confirmed after January 7, 1983, and the maintaining of the temporary fund. Applicants state that the temporary fund was created solely to serve as a vehicle for preserving the investments of purchasers of overissued Fund shares and that participation and investment in the temporary fund was maintained only until March 18, 1983, when the Fund shareholdrs approved an increase in the authorized capital stock of the Fund, at which time all assets held in the temporary fund were automatically reinvested in the Fund.

The application indicates that, during the time that the temporary fund existed, the funds of the investors who purchased the overissued Fund shares were invested in United States Government securities so that they earned interest, but were not exposed to the risks of market gains or losses of equity securities. Applicants state that the formation of the temporary fund, including the transfer of assets from the Fund, and the temporary fund's investment in United States Government securities may have constituted engaged in business in interstate commerce by an investment company without registration within the meaning of the Act. However, Applicants contend that the limited purposes for which the temporary fund was created, its discrete functions, the nature of its assets, and its short-term duration obviate the need for the regulatory protections afforded by the Act, nor did the type of operations in which the temporary fund engaged give rise to the types of abuses which the Act was principally designed to remedy.

Notice is further given that any interested person wishing to request a hearing on the application may, not later

than February 5, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-1635 Filed 1-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14319 (812-5948)]

MFS Government Guaranteed Securities Trust, et al.; Application for an Order Exempting Applicant

January 14, 1985.

Notice is hereby given that MFS Government Guranteed Securities Trust ("Trust") and Massachusetts Financial Services Company ("MFS") (collectively, "Applicants"), 200 Berkeley Street, Boston, Massachusetts 02116, filed an application on September 28, 1984, and an amendment thereto on December 14, 1984, for an order, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), requesting an exemption from the provisions of section 22(d) of the Act to the extent necessary to permit sales of Trust shares at prices less than the current public offering price described in the Trust's prospectus. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the relevant provisions.

Applicants state that the Trust is an open-end, diversified, management investment company whose investment objective is to provide current income and preservation of principal by investing in debt obligations that are backed by the full faith and credit of the U.S. Government. Applicants further state that such debt obligations include obligations issued or guaranteed by U.S. Government agencies or instrumentalities if such obligations are backed by the full faith and credit of the U.S. Treasury. The application indicates that the Trust is a member of the MFS family of funds, all of which are advised by MFS; MFS is registered as an investment adviser under the Investment Advisers Act of 1940, as amended, and as a broker-dealer under the Securities Exchange Act of 1934, as amended. The application further indicates that the public offering price of Trust shares is their net asset value next computed after the sale plus a maximum sales charge of 4.75% of the offering price (4.99% of the net amount invested), with reductions reflecting the amount being invested.

Applicants propose to permit holders of debt securities issued by various issuers, which are backed by the full faith and credit of the United States and are among the types of such securities purchased by the Trust for its own portfolio (such debt securities hereinafter collectively referred to as "Bonds"), to purchase shares of the Trust at their net asset value plus a sales charge of 0.4%, solely by reinvesting their distributions on Bonds. Applicants state that each Bondholder participating in the reinvestment program would be required to reinvest the entire amount of all interest from any issue of Bonds held by that individual. Applicants further state that a Bondholder would be notified of the existence of the privilege and would be sent a current prospectus of the Trust, together with an authorization form, which if executed and returned, would entitle the Bondholder to receive distributions from any issue of Bonds designated by that individual in shares of the Trust. The application indicates that the authorization form would state that any election to receive distributions from any issue of Bonds designated by that individual in shares of the Trust would be effective until the Bondholder revokes such election by written notice to the Trust to a trustee or paying agent of the underlying bond issue.

Applicants state that the expenses of offering the reinvestment program to holders of Bonds would be borne by MFS as principal underwriter of the Trust; however, after a Bondholder has elected to participate in the reinvestment program, his/her account will be handled, and the expenses thereof borne, in the same manner as the account of any other shareholder of the Trust. Applicants further state that, once a Bondholder has elected to participate in the reinvestment program, that individual would be entitled to all rights of any shareholder of the Trust with regard to his/her investment, including the right to reinvest dividends on Trust shares in additional full or fractional shares of the Trust at the net asset value in effect at the close of business on the dividend payment date.

In support of their application, Applicants state that the largest portion of a sales charge on shares of an open-end, diversified, management investment company such as the Trust is attributable to soliciting the investor and ascertaining his financial requirements. Applicants furthers state that where the customer has already been solicited, his requirements determined and his basic decision to invest in Bonds made, the sales costs are reduced and the consequent savings should be passed on to the investors. Applicants contend that, in this case, holders of various issues of Bonds have already made their investment in a debt security backed by the full faith and credit of the United States, have had their financial requirements determined and have paid any sales charges attributable to their initial investment in such securities. Applicants further contend that, in effect, there will be a substantial equivalency of investment for holders of Bonds in that they will be acquiring a security (Trust shares) substantially equivalent to the Bonds already owned in that the Trust invests in debt obligations backed by the full faith and credit of the United States. Applicants assert that permitting the holders of Bonds to reinvest their distributions on Bonds in shares of the Trust is little different from permitting existing shareholders of the Trust to reinvest their distributions. Applicants state that the cost of processing the reinvestments of distributions on Bonds will not be materially greater than if the holders were existing Trust shareholders. Applicants further state that what slight additional sales cost that exists is offset by the 0.4% sales charge imposed. Applicants submit that holders of Bonds, rather than MFS, the underwriter, should receive the benefit of the lower sales costs to be attained in the proposed reinvestment program.

Applicants state that the proposed reinvestment program would not result in a dilution in the equity of the existing shareholders in the Trust, because the Trust would receive the net asset value of the shares sold. Moreover, Applicants assert that the Trust and its shareholders would benefit from the proposed reinvestment program, if approved. Applicants contend that the program would increase the Trust's asset base, and, since its operating expenses would not increase concurrently with asset size, the per

share cost of operations borne by the Trust's shareholders would be reduced. Applicants further assert that by providing a broad base of investors with ready cash to be invested, the proposed plan would help assure the Trust of a positive cash flow, thus permitting it to meet redemptions without disturbing investments, decreasing the assets devoted to cash reserves, and permitting the gradual build-up of investment positions.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 8, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-1637 Filed 1-18-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review Enhancement (NARE); Meeting Dare Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of meeting date for the National Airspace Review Enhancement Plan; Revision 3.

SUMMARY: This notice corrects the incorrect date in the National Airspace Review Enhancement Plan TG 3-1 National Flight Data System, task assignment *Airport Information Service*—(TG 3-1.4), published in the **Federal Register**, Vol. 49, No. 245, pg. 49408, on December 19, 1984. In column 1, line 52, change (Study Date: March 26, 1984.) to read (Study Date: May 14, 1984.)

Issued in Washington, D.C., on January 14, 1985.

Edward T. Harris,

Acting Director, Office of Management Systems, AMS-1.

[FR Doc. 85-1543 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Lahaina District, HI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the Lahaina District, Island of Maui, State of Hawaii.

FOR FURTHER INFORMATION CONTACT: Mr. H. Kusumoto, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850. Telephone: (808) 546-5150.

SUPPLEMENTARY INFORMATION: the FHWA, in cooperation with the State of Hawaii, Department of Transportation, will prepare an environmental impact statement (EIS) on a propsal to improve a 4.7 mile section of Honoapiilani Highway, FAP Route 30, from the Puamana Beach Park to the Kaanapali Parkway (a private road) /Halelo Street intersection, in the Lahaina District, Island of Maui, State of Hawaii. The proposed improvements are considered necessary to reduce congestion, increase the highway corridor capacity, and to improve operational safety to meet current and future traffic demands.

Alternatives for this project include: (1) Do nothing; (2) widening Honoapiilani Highway; (3) adding a new alignment easterly of a portion of the existing route; and (4) a combination of widening and a new alignment. The build alternatives include improvement or replacement of the existing bridges and construction of new bridge structures as required at Kahoma and Kauaula Streams.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Also, public meetings and a public hearing will be held. A public notice will be published in the local newspaper indicating the time and place for these meetings and the hearing. In addition, the draft EIS will be available for public and agency review and comments. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued: January 10, 1985.

Heloshi Kusumoto,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 85-1514 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-22-M

Office of Hearings

[Docket No. 42242]

H. Stephen Hostetler, President of Pacific East Air, Inc., Enforcement Proceeding; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge Ronnie A. Yoder. Future communications should be addressed to him.

Dated Washington, D.C., January 14, 1985.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 85-1588 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-62-M

[Docket No. 42685]

Jet Charter Service, Inc., Enforcement Proceeding; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated Washington, D.C., January 14, 1985.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 85-1587 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-62-M

[Docket No. 42631]

Ports of Call Travel Club, Inc., Fitness Investigation; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter assigned to be held on January 8, 1985, is rescheduled for January 17, 1985, at 10:00 a.m. (local time), in Room 2155, Department of

Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Dated Washington, D.C., January 4, 1985.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 85-1586 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-62-M

[Docket No. 42425]

Southwest Airlines Co. Enforcement Proceeding; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated Washington, D.C., January 14, 1985.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 85-1589 Filed 1-18-85; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 553; Ref: ATF 0 1100.61B]

Authority To Maintain the National Firearms Registration and Transfer Record; Delegation Order

1. *Purpose*: This order delegates the authority to maintain custody and control of the National Firearms Registration and Transfer Record, and the authority to execute certifications relative thereto.

2. *Cancellation*: ATF O 1100.61, Delegation Order—Authority to Maintain the National Firearms Registration and Transfer Record, dated March 31, 1976, is cancelled.

3. *Background*: The authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, to maintain a central registry of all firearms in the United States which are not in the possession of or under the control of the United States is contained in 27 CFR 179.101.

4. *Delegation*: Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms by 27 CFR 179.101, there is hereby delegated to the Chief, Firearms and Explosives Division, to the Chief, National Firearms Act Branch, and to Coordinators, Specialists, and Application Examiners within the National Firearms Act Branch, and to the Chief, Firearms and Explosives Operations Branch, the custody and control of the National Firearms Registration and Transfer Record, and the authority to execute certifications relative thereto.

5. *Redelegation*: The authority delegated above may not be redelegated.

6. *For information contact*: Lawrence G. White, Firearms and Explosives Operations Branch, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226. Phone (202) 566-7591.

7. *Effective Date*: This delegation order becomes effective on January 15, 1985.

8. Approved: January 11, 1985.

Stephen E. Higgins,

Director.

[FR Doc. 85-1607 Filed 1-18-85; 8:45 am]

BILLING CODE 4810-31-M

Internal Revenue Service

Privacy Act of 1974: Routine Uses

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Routine Uses for Treasury/IRS 30.003, Requests for Printed Tax Materials Including Lists; 32.001 Travel Expense Record; 32.003, Schedules of Collections and Schedules of Cancelled Checks; 34.007, Record of Government Books of Transportation Requests; 34.009, Safety Program Files System; 36.003, General Personnel and Payroll Records; 48.001, Disclosure Records; 90.004, Chief Counsel General Legal Services Case Files.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the Commissioner of Internal Revenue Service gives notice by this publication of five new routine uses for the following systems of records: Treasury/IRS 30.003, 32.001, 32.003, 34.007, 34.009, 36.003, 48.001, 90.004. The purpose of these routine uses is to take advantage of certain debt collection procedures, techniques, and services authorized by the Debt Collection Act of 1982, Pub. L. 87-365, 96 Stat. 1749 (1982).

The first and second uses deal with the disclosure of debtor information to effect both salary and administrative offsets. Sections 5 and 10 of the Debt Collection Act provide for such disclosure. As some offsets may only be effected through interagency cooperation, the Internal Revenue Service in those instances, may release debtor information to other agencies. All procedural steps to ensure due process, as required in the Debt Collection Act, will be implemented.

The third use envisions the routine disclosure of debtor records to debt collection agencies. Section 13 of the Debt Collection Act authorizes the head of an agency or his designee to enter into contracts for collection services. As such contracts necessitate the disclosure of most data in a debtor's file, section (m) of the Privacy Act provides for two safeguards. By contract, the debt collection agency selected will be responsible for complying with the Privacy Act. In addition, collection agencies are liable under the criminal provisions of the Privacy Act as "employees of the (Federal) agency". The Internal Revenue Service may avail itself of such services whenever necessary to collect its debts. Appropriate protective clauses will be incorporated into all contracts.

The fourth use deals with obtaining commercial credit reports. Debtor information may be disclosed to consumer reporting agencies for this purpose. Only the minimum identifying data necessary to obtain a report will be released. These reports may be used internally by Internal Revenue Service in assessing a debtor's ability to repay a debt or they may be released to a debt collection agency or to the Department of Justice. Claims referred to the Department of Justice for litigation must be accompanied by current credit data (41 CFR 105.3). Such reports must support a reasonable prospect of effecting enforced collections. In most cases, a commercial credit report is the only means of obtaining the needed information.

Sections 5, 8, 10, and 13 of the Debt Collection Act, comprise the necessary authority to meet the Privacy Act's "compatibility" requirement for the above described routine uses. That is, they provide a statutory bases for agencies to assume that such disclosures are compatible with the purpose for which the data was originally collected.

The fifth and final use entails the disclosure of certain debtor information to consumer reporting agencies. The purpose of the disclosure is to make available delinquency and default data to private sector credit grantors. To guard against indiscriminate disclosures in this area, Congress placed stringent limitations on the procedures to be observed when releasing debtor information. Hence, before disclosing debtor information, the Internal Revenue Service will implement the due process requirements established in section 3(d) and only that information directly related to the identity of the debtor and the history of the claim will be released.

The individual's name, address, taxpayer identification number, and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

Although disclosure of debtor information to consumer reporting agencies falls under the (b)(12) exemption of the Privacy Act, and not the (b)(3) exemption for routine uses, the intended use by the Internal Revenue Service of such data is being published at the end of the routine use sections for IRS 30.003, 32.001, 32.003, 34.007, 34.009, 36.003, 48.001, and 90.004. This is being done in accordance with the OMB Guidelines on the Relationship of the Debt Collection Act of 1982 to the Privacy act of 1974 (48 FR 15556, April 11, 1983).

DATE: Comments must be received no later than 30 days after the publication of this notice. If no comments are received, the proposed routine uses will become effective February 21, 1985.

ADDRESS: Comments may be sent to: Chief, Public Services Branch, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 1615, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Marcus Farbenblum (202) 566–3359, Chief, Public Services Branch.

Dated: January 15, 1985.

Joseph E. Bishop,

Deputy Assistant Secretary (Administration) for Operations.

The routine uses data element of the following systems of records notice, as last published in 46 FR 16587 (1981) is amended to read as follows:

Treasury/IRS 30.003

SYSTEM NAME:

Requests for Printed Tax Materials Including Lists, Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Service Centers (See IRS Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files include those individuals that request various IRS printed materials such as Publication 1045, reproduction proofs, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mailing addresses, account numbers and quantity requirements for printed materials. A cross reference index may also be developed to identify and control requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine disclosure of information contained in the system of records may be made: (1) To the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) To other federal agencies for the purpose of effecting interagency salary offset or interagency administrative offset. (3) To consumer reporting agencies in accordance with 31 U.S.C. 3711(f). (4) To a debt collection agency for debt collection services. (5) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (7) To mailing or distribution services contractors for the purpose of executing mailouts, order fulfillment, or subscription fulfillment. (8) To mailing or distribution services contractors for the purpose of maintaining mailing lists.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, paper records or mailing plates.

RETRIEVABILITY:

Alphabetically or numerically by zip code.

SAFEGUARDS:

Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

RETENTION AND DISPOSAL:

In accordance with IRM 1(15)59.31, RCS 301, GRS 13, Printing, Binding, Duplication and Distribution Records, Records Disposition Handbook.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Publishing Services Branch National Office, and Chief, Resource Management in Regional Offices, District Offices and Service Centers (See IRS Appendix A).

NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed or contested.

RECORD SOURCE CATEGORIES:

The information is supplied by the individual and/or company making the request. The Service adds data pertaining to the fulfillment of the request.

Treasury/IRS 32.001

SYSTEM NAME:

Travel Expense Record, Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices and District Offices. See IRA Appendix A for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All IRS employees who have incurred travel or moving expenses in conjunction with official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of travel advances, personal travel vouchers, household move vouchers, Forms W–2, Schedule of disbursements, GAO decisions/rulings, Transportation Requests, Overdue Notices, Certification of Deposits, Government Bills of Lading and Forms 2221 (Schedule of Collections). Records are for the purpose of maintaining accurate financial accounting of travel and moving expenses of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 2, Chapter 2, Sections 5 and 6.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure of information may be made to furnish another federal agency information to effect inter-agency salary offset; to furnish a consumer reporting agency information to obtain commercial credit reports; to furnish a debt collection agency information for debt collection services; to furnish a consumer reporting agency with delinquency and default data available to private sector credit grantors.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic media or paper records, locked files.

RETRIEVABILITY:

Alphabetically or numerically.

SAFEGUARDS:

Access is restricted to designated Fiscal Management employees, to individuals concerned on a need-to-know basis, and to administrative offices through the authority of the Travel Management supervisor. As required, IRS Internal Audit and Security has access to the files.

RETENTION AND DISPOSAL:

Retired after 1 to 3 years to Federal Records Center; disposed in accordance with Records Disposition Handbook, IRM 1(15)59.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, IRS National Office, Financial Operations Branch, or chief, Accounting Section, IRS Regional Office. See IRS Appendix A for locations.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

See Access above.

RECORD SOURCE CATEGORIES:

Information supplied by employees, by GAO as required, and consumer reporting agencies.

Treasury/IRS 32.003

SYSTEM NAME:

Schedules of Collections and Schedules of Cancelled Checks.—Treasury/IRS.

SYSTEM LOCATION:

National Office of Regional Offices. See IRS Appendix A for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of Internal Revenue Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Checks received from employees in connection with jury duty and overpayments. System maintained to place all collections under security control promptly upon receipt and to record amount of deposit to general ledger control accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. Routine disclosure of information may be made to furnish another federal agency information to effect inter-agency salary offset; to furnish a consumer reporting agency information to obtain commercial credit reports; to furnish a debt collection agency information for debt collection services; to furnish a consumer reporting agency with delinquency and default data available to private sector credit grantors.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681 a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in locked file cabinet.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Access controls are not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

RETENTION AND DISPOSAL:

Records are maintained until transferred to the Federal Records Center to be retained in accordance with the Records Disposition Handbook, IRM 1(15)59.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Office Financial Operations Branch, or Chief Accounting Section, Regional Offices. See IRS Appendix A for locations.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be assessed or contested.

CONTESTING RECORD PROCEDURES:

See Access above.

RECORD SOURCE CATEGORIES:

Employees, District Directors, Regional Commissioners.

Treasury/IRS 34.007

SYSTEM NAME:

Record of Government Books of Transportation Requests—Treasury/IRS.

SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, and National Computer Center. (See IRS Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

IRS employees issued Transportation Requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form 496, alphabetical card record by name or the serial numbers of Transportation Requests issued to the employee; and Form 4678, numerical list by serial number listing the name of the employee to whom issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigations, and in connection with requests for legal advice, Disclosure may be made duirng judicial processes. Routing disclosure of information may be made to furnish another federal agency information to effect inter-agency salary offset; to furnish a consumer reporting agency information to obtain commercial credit reports; to furnish a debt collection agency information for debt collection services; to furnish a consumer reporting agency with delinquency and default data available to private sector credit grantors.

DISCLOSURE TO CONSUMER REPORTING AGENCIES.

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card file box or file cabinets.

RETRIEVABILITY:

By name or serial number.

SAFEGUARDS:

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

RETENTION AND DISPOSAL:

In accordance with Records Disposition Handbook, IRM 1(15)59.31 (GRS–9), Travel and Transportation Records.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officers, National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Apendix A).

NOTIFICATION PROCEDURE:

Same as System Manager above.

RECORD ACCESS PROCEDURE:

Same as System Manager above.

CONTESTING RECORD PROCEDURES:

Same as System Manager above.

RECORD SOURCE CATEGORIES:

Government Books of Transportation Requets and employees to whom Books were issued.

Treasury/IRS 34.009

SYSTEM NAME:

Safety Program Files System—Treasury/IRS

SYSTEM LOCATION:

National Officc, Regional Offices, district Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

IRS employees and others involved in an IRS motor vehicle accident, an accident or injury on IRS property, or a tort or personal property claim against the service. All individuals issued an IRS drivers license are covered by this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual driving records and license applications, motor vehicle accident reports, lost time and no-lost time personal injury reports, tort and personal property claims case files, informal and formal investigative report files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 12196.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine disclosure of information contained in the system of records may be made: (1) To the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) To the Department of Labor in connection with investigations of accidents occurring in the work place. Disclosure may be made during judicial processes. (3) To other federal agencies for the purpose of effecting interagency salary offset or interagency administrative offset. (4) To consumer reporting agencies in accordance with 31 U.S.C. 3711(f). (5) To a debt collection agency for debt collection services. (6) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (7) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (8) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To third parties durng the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

DISCLOSURES PURSUANT TO 5 U.S.C. 552A(B)(12):

Disclosures may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders with corresponding card indexes.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Access to information is restricted to official use of IRS employees and not less than that required by the Physical and Document Security Handbook, IRM 1(16)41.

RETENTION AND DISPOSAL:

In accordance with the Records Disposition Handbook, IRM (15)59.31, RCS 301, GRS 1, 10, 18, IRM 1(15)59.1(14) and IRM 1(15)59.2(12).

SYSTEM MANAGER(S) AND ADDRESS:

For National Office-Safety Management Officer, Space and Property Branch, Facilities Management Division, Chief, National Office Facilities Management Branch; Regional and District Offices-Chief, Facilities Management Branch, appropriate Regional or District office. (See IRS Appendix A).

NOTIFICATION PROCEDURE:

Same as System Manager above. Name must be provided to ascertain whether or not the system has a record pertaining to the individual.

RECORD ACCESS PROCEDURE:

Individuals seeking to determine if the system of records contains information pertaining to themselves may inquire in accordance with instructions appearing in 31 CFR Part 1, Subpart C, Appendix B. Inquires should be addressed to the System Manager for each office whose records are to be accessed.

CONTESTING RECORD PROCEDURES:

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing in 31 CFR Part 1, Subpart C, Appendix B. Inquires should be addressed to the system manager for each office whose records are to be accessed or contested.

RECORD SOURCE CATEGORIES:

Information originates from IRS employees, private individuals and private parties.

Treasury/IRS 36.003

SYSTEM NAME:

General Personnel and Payroll Records.

SYSTEM LOCATION:

National, Regional, and District Offices, POD's, Service Centers, the National Computer Center, and the Data Center. Payroll records are maintained at the Data Center (See Appedix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current and former employees of the IRS.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal Service. These records contain data on individuals required by the Office of Personnel Management (OPM) and maintained in the Official Personnel Folder (OPF). The OPF may also contain letters of commendation; awards from non-Federal organizations; recommendations for Federal awards; awards; reprimands; adverse or disciplinary charges; records relating to life insurance, health insurance, designation of beneficiary; training; performance ratings; and other records which OPM and IRS require or permit to be maintained in the OPF. This ystem also includes records which are maintained in support of a personnel action such as a position management or position classification action, a reduction-inforce action (including such documents as retention registers and notices), and priority placement actions. Other records maintained about an individual in this system are employee performance files, evaluation records, including appraisal, expectation and payout records; suggestion files; supervisory files; records relating to personnel actions correcting a pay problem; employment of relatives; furlough/recall records; work measurement records; emergency notification, employee locator and current address records; other records relating to the status of an individual; executive resource records and Senior Executive Service records; Management Careers Program records; and correspondence files pertaining to any personnel information contained in this notice. Payroll records included in this system are data storage and file records for processing payroll and personnel actions, consisting of records of time and attendance, leave, tax withholding, bond purchases and issuances, emergency salaries, overtime and holiday pay, optional payroll deductions, and minority group designator codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. 301, 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, September 13, 1954.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information may be used: (a) To provide information to a prospective employer of an IRS employee or former IRS employee. (b) To Provide data to update Federal Automated Career Systems (FACS), Executive Investory File, and security investigations index on new hires, adverse actions, and terminations. (c) To provide information to a Federal, state, or local agency, other organizations or individuals in order to obtain relevant and pertinent information about an individual which is necessary for the hiring or retention of an individual; letting of a contract; or the issuance of a license, grant or other benefit. (d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent agencies. (e) To provide information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclsoure may be made during judicial process. (f) To provide information to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (g) To provide information or records, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to any other appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto or upon request of such agency when the agency is investigating the possible violation of their rules or regulations. (h) To provide records to the Office of Personnel Management; Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal Personnel systems or other agency systems in accordance with applicable laws, Executive Orders, and applicable regulations. (i) To provide information to hospitals and similar institutions or organizations involved in voluntary blood donation activities. (j) To provide information to educational institutions for recruitment and cooperative education purposes. (k) To provide information to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state unemployment compensation board, housing administration agency and Social Security Administration. (l) To provide information to a financial institution for payroll purposes. (m) To provide information to another agency such as the Department of Labor or Social Security Administration and state and local taxing authorities as required by law for payroll purposes. (n) To provide

information to Federal agencies to effect inter-agency salary offset, to effect inter-agency administrative offset; to a consumer reporting agency for obtaining commercial credit reports; and to a debt collection agency for debt collection services. (o) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (p) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape, discs, forms, folders, binders, microfilm, microfiche, punched cards, flat paper, lists, card files.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, Social Security Number, or identification number.

SAFEGUARDS:

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing OPM and GAO regulations.

RETENTION AND DISPOSAL:

All records are disposed of in conformance with established retention schedules, IRM 1(15)59.31, General Records Schedule.

SYSTEM MANAGER(S) AND ADDRESSES:

Director, Personnel Division, and Chief, Personnel Branch, appropriate office (see IRS Appendix A); Executive Secretary, Executive Resources Board (for executive resource records).

NOTIFICATION PROCEDURES:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director National Computer Center (for Computer Center employees only); Director, Data Center (for Data Center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, for each appropriate Division in the National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division, for records in the National Office of Chief Counsel; or other appropriate official; (see Appendix A.). Inquiries should include name, date of birth, social security number and POD.

RECORDS ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Former IRS employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and social security number, to: National Personnel Records Center, General Services Administration, 111 Winnebago St., St. Louis, Missouri 63118.

CONTESTING RECORD PROCEDURES:

See Access.

RECORDS SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information supplied by that individual, except information provided by agency officials. Payroll Information is complied from existing master records, i.e. employees official personnel folders, or the employee. Information is also obtained directly from an employee, payroll coordinator, or administrative officer.

Treasury/IRS 48.001

SYSTEM NAME:

Disclosure Records. Disclosure-Treasury/IRS.

SYSTEM LOCATION:

National Office, National Computer Center, Data Center, Regional Offices, Service Centers and District Offices. (See IRS Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Subjects of requests for disclosure initiated by Department of Justice, including suspects or persons related to the violation of Federal laws; persons who have initiated legal actions against the Federal Government, persons identified as strike force targets or related to organized crime activities, persons under investigation for national security reasons, persons believed by the Internal Revenue Service to be related to violations of Federal laws other than the Internal Revenue Code. (2) Persons under investigation by other executive departments or congressional committees for whom tax information has been requested pursuant to 26 U.S.C. 6103. (3) Persons who are parties to criminal or civil non-tax litigation in which the testimony of IRS employees has been requested. (4) Persons who have applied for Federal employment or presidential appointments for which preemployment tax checks have been requested and applicants for Department of Commerce "E" Awards. (5) Requesters for access to records pursuant to 26 U.S.C. 6103, the Freedom of Information Act, 5 U.S.C. 552 and initiators of requests for access, amendment or other action pursuant to the Privacy Act of 1974, 5 U.S.C. 552a. (6) Individuals identified by or initiating correspondence or inquiries processed or controlled by the Disclosure function or relating to the foregoing subjects.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Requests for records, information or testimony, responses to such requests, supporting documentation, processing records, copies of items provided or withheld, control records and related files. Department of Justice, and IRS replies to such requests. (2) Copies of related authorizations to IRS officials permitting such disclosures and, in some instances, their responses. (3) Copies of individuals' tax information, memoranda for file, notations of telephone calls, file search requests, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7801 and 7802, 26 U.S.C. 6103, 5 U.S.C. 301, 552 and 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes, and as necessary to report apparent violations of law to appropriate law enforcement agencies. Disclosure of debtor information may be made to a Federal payor agency for

purposes of salary and administrative offsets, to a consumer reporting agency to obtain commercial credit reports and to a debt collection agency for debt collection services

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701((a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in alphabetical or chronological order within subject categories and/or such automated or electronic record keeping equipment as may be locally available. No centralized index exists. Accountings of disclosure of tax related records pursuant to 5 U.S.C. 552a(c) or 26 U.S.C. 6103(p)(3) are posted to the Individual Master File and retrievable by Social Security Number, or to the Business Master File and retrievable by Employer Identification Number.

RETRIEVABILITY:

Records are generally retrievable by name of individual, although category of record an chronological period may be necessary to retrieve some records. The Social Security number is necessary to access accountings of disclosure posted to the Individual Master File. The Employer Identification Number is necessary for access to the Business Master File.

SAFEGUARDS:

Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

RETENTION AND DISPOSAL:

In accordance with IRM 1(15)59, Record Disposition Handbook.

SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices-Director, Disclosure and Security Division. Officials maintaining the system-Director, Disclosure and Security Division, National Office; Regional Commissioners, District Directors, Service Center Directors, or other official receiving or servicing requests for records. (See IRS Appendix A).

NOTIFICATION PROCEDURE:

Requesters seeking to determine if accountable disclosures about them have been made should request an accounting of disclosure pursuant to 5 U.S.C. 552a(c) and 26 U.S.C. 6103(p)(3) of the District Director for the area in which they reside. Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for the area of residence or to the official believed to be maintaining the record of interest (See Appendix A). This system contains some records of law enforcement activities which may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

See notification procedure above, portion of this system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

See notification procedure and record access procedure above. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act (See 26 U.S.C. 7852(e)).

RECORD SOURCE CATEGORIES:

Requests for disclosure, records being evaluated and processed for disclosure and related information from other systems of records. Portions of this system may contain investigatory material compiled for law enforcement purposes whose sources need not be reported.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system have been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.004

SYSTEM NAME:

Chief Counsel General Legal Services Case Files. Each of the seven Regional Counsel Offices and the National Office do or will maintain a General Legal Services Case File System. The information in this notice applies to all eight systems—Treasury/IRS.

SYSTEM LOCATION:

The addresses of the National Office and each Regional Counsel Office are listed in the Appendix, see IRS Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in litigation actions, investigations or cases falling within the jurisdiction of the General Legal Services function including persons: (1) Who have caused service of subpoenas, summonses, or other judicial process directed to an officer or employee of the Treasury Department in his official capacity. (2) who are parties in personnel matters, as well as discrimination and labor management relations matters, of the Internal Revenue Service, Chief Counsel's Office or, in some instances, other agencies in the Treasury Department. (3) who are parties in practitioner actions under the jurisdiction of the Director of Practice or the Joint Board of Actuaries. (4) who are parties in procurement matters. (5) who are parties in litigation or administrative claims involving alleged violations of the United States Constitution, the Federal Tort Claims Act, the Military Personnel and Civilian Employees Compensation Act, relief of accountable officers for loss of Government funds, rewards, acts of officers or employees acting within the scope of their employment, or official acts of officers or employees not directly relating to Federal tax issues but relating to the Internal Revenue Service. (6) who are parties in miscellaneous matters referred to the General Legal Services Division. (7) who are the subjects of investigations made by the Internal Security Division if the case is referred to the General Legal Services Division. (8) who have filed petitions for the remission or mitigation of forfeitures or who are otherwise directly involved as parties in forfeiture matters, judicial or administrative. (9) who are officials of the Internal Revenue Service and Chief Counsel's Office required to file a Financial Disclosure Statement under the Ethics in Government Act of 1978. (10) who have corresponded regarding a matter under consideration within the General Legal Services Division. (11) who are individuals owing nontax debts to the United States. (12) who are officers or employees of the Internal Revenue Service or Office of Chief Counsel whose wages are subject to garnishment for back alimony or child support payments or subject to deduction under Wage Earner Plan confirmed by a Bankruptcy Court. (13)

who are individuals involved in ethical questions pending before the IRS.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Legal Case and Administrative Case Files. (2) Internal Control Cards. (3) Correspondence Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 26 U.S.C. 7801.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To the Department of Justice for the purposes of litigating an action or seeking legal advice. (2) To appropriate federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license. (3) To a federal, state, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To foreign governments in accordance with formal or informal international agreements. (5) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (6) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (7) To third parties during the course of an investigation to the extent necessary to obtain information partinent to the investigation. (8) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (9) To a court, magistrate, or administrative tribunal in the course of presenting evidence, disclosures in response to a court subpoena, disclosures to opposing counsel or witnesses in preparation for, or in course of, litigation, settlement negotiations, or pursuant to established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings. (10) To the Joint Board of Actuaries in practitioner disciplinary matters. (11) To the Office of Personnel Management in personnel, discrimination and labor management matters. (12) To arbitrators, the Federal Labor Relations Authority, including the Office of the General Counsel of that authority, the Federal Mediation and Conciliation Service in labor management matters. (13) To the Merit Systems Protection Board in personnel, discrimination, and labor management matters. (14) To the Equal Employment Opportunity Commission in personnel, discrimination, and labor management matters. (15) To the Special Counsel of the Merit Systems Protection Board in personnel, discrimination, and labor management matters. (16) To the General Services Administration in property management matters. (17) To federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (18) To the Administrative Assistant of the Executive Resources Board as to Financial Disclosure Statements, who makes the statements available to the public as required by law. (19) To other federal agencies for the purpose of effecting inter-agency salary offset or inter-agency administrative offset. (20) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

Records are retrievable by the name of the person to whom they apply. If more than one person is involved in a given case, then it is generally retrievable only by the first named person.

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

RETENTION AND DISPOSAL:

Legal files are generally retired to the Federal Records Center (FRC) 1 year after the cases are closed. The FRC will retain "significant case" files an additional 19 years and dispose of them 20 years after they are closed. Other legal files are retained in the FRC 4 years after they are transferred to the Center and disposed of 5 years after they are closed. Other records are retained in the Division for the same time periods described above.

SYSTEM MANAGER(S) AND ADDRESS:

Each Regional Counsel is the system manager of the system in his or her Region. The Director of the General Legal Services Division is the system manager of the National Office system. The addresses are in the Appendix.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as the records are exempt under 5 U.S.C. 552a(b)(5) and/or (k)(2).

RECORD ACCESS PRODEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

CONTESTING RECORD PROCEDURES:

See Access above.

RECORD SOURCE CATEGORIES:

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; state, local, and foreign governments; witnesses; informants; parties to disputed matters of fact of law; other persons who communicate with the Internal Revenue Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

[FR Doc. 85-1570 Filed 1-18-85; 8:45 am]
BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 14
Tuesday, January 22, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Energy Regulatory Commission	1
National Credit Union Administration	2

1

FEDERAL ENERGY REGULATORY COMMISSION

January 17, 1985.

AGENCY: Federal Energy Regulatory Commission.

TIME AND DATE: Approximately 12:00 noon, January 24, 1985, after the open Commission meeting.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Oroville-Wyandotte Irrigation District, Project No. 2088.

(2) George E. Sansoucy Company, *et al.*

(3) Panhandle Producing Company, *et al.*

(4) Various Producer-Owned Natural Gas Processing Plants, Docket No. IN83–2–000.

(5) Natural Gas Pipeline Company of America, Docket No. IN82–2.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary. Telephone (202) 357–8400.

Kenneth F Plumb,

Secretary.

[FR Doc. 85–1723 Filed 1–17–85; 4:04 pm]

BILLING CODE 6717-02-M

2

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 2:00 p.m., Thurday, January 24, 1985.

PLACE: Denver Marriott Hotel, Center City, 1701 California Denver, Co.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous OPEN Meeting.

2. Review of Central Liquidity Facility Lending Rate.

3. Final Rule: Section 701.35, NCUA Rules and Regulations, Share, Share Draft and Share Certificate Accounts.

4. Proposed Rule: Section 701.27, NCUA Rules and Regulations, Credit Union Service Organizations.

5. Riders to Bond Form Number 23.

TIME AND DATE: 12:30 p.m., Thursday, January 24, 1985.

PLACE: Denver Marriott Hotel, Center City, 1701 California, Denver, Co.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.

2. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 85–1622 Filed 1–16–85; 4:17 pm]

BILLING CODE 7535-01-M

federal register

Tuesday
January 22, 1985

Part II

Department of Labor

Occupational Safety and Health Administration

29 CFR Part 1910

Powered Platforms for Exterior Building Maintenance; Proposed Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-700A]

Powered Platforms for Exterior Building Maintenance

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: OSHA is proposing to revise 29 CFR Part 1910, Subpart F—Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms, by revising § 1910.66, Powered Platforms for Exterior Building Maintenance. The proposal would permit and regulate the use of alternative stabilization systems involving intermittent and button guide stabilization. The present standard allows only continuous stabilization for all powered platforms used above 130 feet (39.6 m)—a requirements that appears to be infeasible to apply to newly designed buildings with discontinuous vertical facades. In addition, the proposal would clarify, simplify and update the existing requirements using performance oriented language, and would include requirements for employee training and personal fall protection.

DATES: Written comments and any requests for a hearing must be postmarked on or before March 25, 1985.

ADDRESS: Written comments and requests for a hearing should be submitted to the Docket Officer, Docket No. S-700A, Rm. S6212, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210. Telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3637, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 523-8151. This Notice of Proposed Rulemaking has been prepared by P.J. Cattafesta of the Office of Mechanical Engineering Safety Standards.

SUPPLEMENTARY INFORMATION:

I. Background

The current OSHA standard for powered platforms used for exterior building maintenance (29 CFR 1910.66) was promulgated in 1971 from national consensus standards, under section 6(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 655(a). A powered platform installation is used to provide access to the exterior of a building for its maintenance. It consists of a working platform, suspension means and the requisite operating and control devices. Employers who use powered platforms are required under this standard to meet specific design, construction, installation and maintenance requirements.

One design requirement in the current OSHA standard, 1910.66(b)(3), is that for structures over 130 feet (39.6 m) in height, the fact of the building must be equipped with continuous guides, such as T-rails, which positively engage the powered platform. For structures 130 feet (39.6 m) or less in height, continuous building face guides are not required, but the platform must be equipped with building face rollers and angulated suspension cables, which cause the platform to exert pressure against the building face. The purpose of these requirements is to stabilize the platform while it is in use by absorbing wind forces and horizontal forces caused by dead and live loads on the platform.

During the years initially following the promulgation of the standard, high rise buildings generally were designed with straight building faces. This design adapted readily to continuous building face guides, and most of the high rise buildings conformed to the standard requirement. In recent years, however, archtects are more and more designing buildings with multiple vertical planes, setbacks, flares, steeped roofs and complicated corner arrangements. These design changes may be the result of aesthetic considerations or in order to conserve energy. High energy costs have led to the increased use of designs with fewer and smaller windows; the use of projecting awnings to reduce cooling needs; and recessed windows that provide insulation from the outside temperatures. Because of these changes in building face design, it is often difficult, impossible or costly to use continuous guides on the building facades.

Cost factors and the new design requirements for high rise buildings have been responsible for the development of new types of stabilization systems for powered platforms which involve intermittent stabilization, rather than continuous stabilization. The current OSHA standard does not address this developing technology, and OSHA has received a significant number of requests for variance from the standard. These variance requests addressed single and multiple faced buildings; building anchoring methods which include bolts, pins and sockets; and platform attachments which include lanyards and adjustable tracks. Three of the variance requests were granted and were published in the **Federal Register** on May 1, 1981 (46 FR 24752 and 46 FR 24754) and on March 30, 1982 (47 FR 13435).

A compliance directive was issued by OSHA on November 1, 1982 (OSHA Instruction STD 1-3.3). The directive provided guidelines to the OSHA compliance staff concerning intermittent stabilization systems on straight building faces. The compliance staff was instructed not to cite employers who complied with these directive guidelines, as well as othe applicable requirements of 29 CFR 1910.66.

The compliance directive, however, is limited in scope and the variance process can result in delays and increased costs—costs which probably have caused some builders to avoid the use of intermittent stabilizaiton systems. A revision of the present standard which would address alternative stabilization systems and incorporate performance criteria would provide industry with greater flexibility in building design while at the same time continuing to provide employees with an equal level of safety. For these reasons, OSHA has begun the rulemaking process for revising this standard.

An advanced notice of proposed rulemaking (ANPR) was published in the **Federal Register** on February 11, 1983 (48 FR 6368). The purpose of the notice was to solicit data and views regarding the appropriate content and scope of a revision of 29 CFR 1910.66 to permit the use of intermittent stabilization systems for powered platforms. Information was also sought on the need to revise or add other provisions in this section.

The ANPR addressed a number of issues pertinent to the standard. These issues included the following:

1. The development of performance criteria which would be supported by non-mandatory appendices that would serve as compliance guidelines;
2. The identification of components used in an intermittent stabilization system;
3. The requirements for employee training in the inspection and operation of powered platforms;
4. The development of more comprehensive criteria for fall protection systems; and
5. The revision of the standard to reflect changes in industry practice and changes in related provisions of OSHA's General Industry Standards.

Comments received in response to the ANPR were considered in developing the standard proposal. Other documents

that were utilized in the development of this standard revision were the current draft standard for the revision of ANSI A120.1–1970, Safety Requirements for Powered Platforms for Exterior Building Maintenance (Exhibit 6); the present OSHA standard for powered platforms, 29 CFR 1910.66; and the report *Intermittent Stabilization Systems for Suspended Powered Platforms* by Chen H. Wang (Exhibit 3). OSHA contracted with Chen H. Wang., P.E., Ph.D., to develop recommendations for consideration in the development of a standard for intermittent stablization systems on powered platforms. Dr. Wang is a Civil Engineer with more than 20 years of experience in research and development, construction and systems analysis.

The current OHSA standard, 29 CFR 1910.66, was promulgated in 1971 from the American National Standards Institute (ANSI) standard for powered platforms, A120.1–1970. Although this ANSI standard has not been officially revised since 1970, a committee has been active in preparing a revision, and a final draft standard was completed in November 1981. There has been a delay in submitting this draft standard to ANSI for approval pending the resolution of a problem regarding the scope of the standard. The time spent in acquiring a new Secretariat for the committee has also contributed to the delay.

Although the draft standard has not received final ANSI approval, it remains the most current voluntary standard on the subject of powered platforms. The draft standard addresses most of the equipment, stabilization and suspension means currently used in powered platform installations. In this proposal, OSHA has indicated where the OSHA standard would provide more effective protection than the ANSI draft standard.

II. Hazards

Information on accidents relating to powered platforms is meager and not very detailed. Available information sources (Exhibit 5) do not provide significant data on accident frequency, severity or location. OSHA recognizes, however, that employees using powered platform on high-rise buildings are engaged in a hazardous occupations. Recognition of the serious hazards faced by such employees is reflected in the workmen's compensation rate charged for the occupation of window cleaning. A recent study (Exhibit 7) was conducted of selected workmen's compensation rates charged in the 13 States where the majority of the high-rise buildings in the United States are located. The study concluded that in 10 out of the 13 States reviewed *the workmen's compensation rate charged for window cleaning was the highest of all the occupation rates analyzed* (emphasis added).

This proposed revision of the standard was not primarily undertaken in response to accident data or to changes in the hazards currently addressed in the standard. The primary reason for proposing this standard revision is to expand the present standard's coverage to provide for technological advances in powered platform stabilization, while continuing to provide for employee safety. The proposal would permit employers greater flexibility in using the latest technology in adapting platform equipment to the current building designs. This increased flexibility in equipment selection may reduce installation costs.

For buildings higher than 130 feet (39.6 m) in height, the current standard limits employers to equipment that is stabilized only by continuous attachment to the building face. For many building designs, this stabilization method is not feasible, and the employer must resort to obtaining a costly variance to accommodate the design. Burdens on the variance system from a case by case evaluation of alternative protective systems would be reduced by codifying uniform requirements for such alternative systems. OSHA believes also that employee protection will be improved by establishing these requirements after public rulemaking.

A further reason for proposing this standard revision is to eliminate present gaps in standards coverage for powered platforms. For example, suspension equipment such as outriggers and davits are not addressed in the current standard. In addition, employee training in platform operations and in the use of fall protection equipment for all platforms is not required in the present standard. These deficiencies in coverage would be corrected in the proposed revision.

A study of occupational fatalities related to powered two point suspension scaffolds/powered platforms was published by OSHA's Office of Statistical Studies and Analyses in March 1983 (Exhibit 2). The study reviewed selected cases from OSHA fatality investigations during 1977–1981. In most of these cases, employees fell to their death as a result of improper work/safety practices or failure to use fall protection equipment properly. The results of this study provide OSHA with evidence of the hazards faced by employees who may not be properly trained in the use of powered platforms, and of the need to revise the present standard to address employee training.

In response to the ANPR on powered platforms, a number of commenters pointed to hazards which should be addressed in any change of the standard. It was noted that although fall protection systems are required in the current standard, there are no requirements for the care and use of this equipment. As a result, these systems are subject to abuse, wear and adverse weather conditions which could negate their effectiveness when needed.

Employee turnover and the lack of adequate training for the operation, maintenance and inspection of powered platforms are factors which can lead to unsafe conditions and procedures at the work site. It was noted in a number comments to the ANPR that this training deficiency should be addressed in a standard revision, since the current standard does not address employee training.

In addition, a number of hazards in the use of davits and outriggers as suspension means for powered platforms have been identified by commenters. In some installations, transportable davits may be too heavy and cumbersome for two employees to pick up, move and relocate to the next roof position. Employees could be exposed to a hazard if they lose control of the davit during its movement. Rotatable davits, if not designed properly, may be very difficult to turn from the roof to the drop position and back to the roof again. If the davits are not easy to rotate, the positioning of the platform may require extensive pushing and handling in the area of the parapet which can be hazardous. Finally, most davits are subject to environmental conditions, deterioration and operating abuse which could seriously diminish their suspension capabilities. Outriggers may be hazardous because of anchorage deficiencies, instability and overloading. Since davits and outriggers and their related hazards are not addressed in the current standard, it was recommended that they be included in any standard change. OSHA solicits information concerning accidents or observed hazards in davit and outrigger use.

An alternative method of stabilizing powered platform utilizes anchors (buttons) mounted on the building face which engage a fluted track mounted on the platform. Comments were received in the ANPR on the hazards related to such a button guide stabilization system. It was observed that the system is cumbersome, and if not used with great care, can cause damage to the platform

and the building. In addition, such misuse of the system could seriously jeopardize the safety of employees occupying a platform stabilized in this manner. The proposed revision of the standard will cover this alternative to a continuous stabilization system for the purpose of addressing the related hazards to employees, and to provide employers with another option for stabilization.

The hazards associated with the use of intermittent stabilization systems on powered platforms have not been documented adequately due to the limited usage of these systems to date. However, a number of hazards have been identified based on the comments received in the ANPR, and on observations noted during variance inspections of intermittent systems.

First, the proper use of the stabilizer ties by employees is critical to limiting the excessive horizontal movement of the platform. Stabilizer ties are adjustable lanyards which are secured by employees between each suspension rope and an adjacent building anchor in the building face. Although there are other elements which affect the horizontal movement, such as wind velocity, wire rope angulation and platform weight, the stabilizer tie is the only element under the control of the employee. Therefore, the failure of employees to attach a stabilizer tie to each building anchor, and to maintain a fixed dimension between the suspension rope and the building face, could result in a hazard due to excessive platform movement.

Second, if stabilizer ties are not removed by employees during the ascent of the platform, the ties will obstruct the platform's upward movement, causing it to become unstable and creating a hazard for employees.

Third, stabilizer ties may break or deteriorate if not designed to sustain the imposed load or to withstand the known environmental conditions. The loss of any stabilizer tie that is attached to the building face could affect platform stability and contribute to a hazardous condition for the occupants of the platform.

Fourth, building anchors, which are used to restrain the lateral movement of a platform, are exposed to a number of adverse environmental and operating conditions. The anchors are exposed to corrosion, acid rain, and operational abuse, and must withstand wind forces and platform loads imposed on them. In addition, anchors utilizing female receptacles must be kept clear of obstacles such as building materials, dirt and ice, and must provide easy access for the stabilizer ties at all times. Any deficiency which inhibits the use of any building anchor during a platform descent would contribute to platform instability and a hazardous condition.

The increasing use of intermittent stabilization systems for powered platforms, as evidenced by the increase in variance requests from the present standard, combined with the available data on associated hazards, has provided OSHA with the impetus to propose a change to its standard on powered platforms to cover intermittent stabilization systems. The proposed change to the standard would require that a stabilizer tie be attached to each building anchor, and also would require that the anchor and tie be designed to meet a specific safety factor against failure. In addition, an interlock would be required on the platform which would interrupt its power supply in the event the platform contacts a stabilizer tie during its ascent.

III. Significant Risk

OSHA has estimated that 1500 of approximately 10,000 employees in the window cleaning and building maintenance industries use powered platforms regularly. The largest number of these workers are in the window cleaning industry. The remaining workers would be employed by maintenance companies and by owners and managers of the buildings that require outside building maintenance.

The present provisions of § 1910.66 provide coverage of the significant hazards associated with a specific type of platform suspension and stabilization. However, it is clear that since the standard was promulgated in 1971, the working conditions, the type of buildings serviced, and the equipment utilized have changed. As a result, many of the relevant hazards are not addressed in the current standard.

The present standard does not include any provision for the training of employees in powered platform operations. Many employees may have received training only infrequently, or may not have received any training at all in the proper methods and procedures required to operate a powered platform. As a result, they may not be completely familiar with the hazards that are inherent in the use of such platforms. Any training deficiency suffered by employees will cause them to be exposed to new risks as they begin to operate platforms which utilize new stabilization systems and suspension methods. In addition, the available fatality data shown in Exhibit 2 illustrates a lack of employee awareness of job hazards on powered platforms. Consequently, OSHA believes that a training requirement should be in the proposed standard in order to reduce the obvious risks for uninformed employees.

Properly designed elements of an intermittent stabilization system, such as the suspension means, stabilizer tie, building anchor and anchor interval are essential in ensuring a safe workplace for employees on powered platforms. These systems must be designed to take into account the loads imposed on a platform by equipment, employees and the wind. In addition, such systems must limit the horizontal movement of the platform to provide stability for the platform occupants. OSHA will provide performance criteria for intermitten stabilization systems in the proposed standard which will address the hazards faced by employees in the use of these systems.

In the study on fatalities related to powered platforms which was discussed previously, a common factor leading to injury or death was the failure of employees to use fall protection equipment, or to use it properly. Although the present standard does require the use of fall protection equipment, it does not address the problems associated with the care and use of this equipment. In addition, the present standard does not provide all the preformance criteria to be met by such equipment. Such omissions in the current standard may have contributed to a lack of awareness by employers and employees of need for good design, effective maintenance, and proper use of fall protection equipment. In the proposed change of the standard, OSHA has added requirements addressing fall protection equipment which are intended to improve employee usage and maintenance of the equipment.

In another analysis (Exhibit 7) of the risks to employees by the hazards covered in this standard, the Arthur Young Company investigated workmen's compensation insurance rates for five different occupational class codes. The intention of this analysis was to compare the risk involved in these occupations to the extent that it is reflected in insurance rates.

The rates charged per occupation in each of 13 states were reviewed in this analysis.The purpose of accumulating the data from a sample of states was to determine if window cleaning is invariably considered a risky occupation. Rate comparisons between states have no validity as there are a great many factors which cannot be

quantified in each state that contribute to the individual classification.

Five occupations were chosen for comparison: window cleaning, iron or steel erection, roofing, telephone line construction and clerical office employees. Generally, the higher the rates charged, the more risky the occupation. For example, in the state of Michigan, the rate charged for a clerical office employee (generally accepted as an occupation with low risk) is $0.30, while that for a window cleaner is $34.27. Window cleaning has the highest rate of all the occupational codes listed for Michigan. Again, in 10 out of the 13 states reviewed, window cleaning has the highest rate of all the occupations analyzed.

Although it is recognized there are a large number of factors which enter into the computation of workmen's compensation premiums which are not all due to risk of injury, it can be stated from these statistics that window cleaning is a high risk occupation, similar to high iron or steel erection. Any changes in these regulations by OSHA governing window cleaning activity which reduce the risk to employees should be reflected in lower insurance rates as well as a safer workplace.

IV. Present Regulations

At present, there are no specific OSHA standards to apply to intermittent or button guide stabilization systems used on powered platforms. Section 1910.66 presently applies only to platforms that are stabilized by direct attachment to continuous guide rails in the building face. The proposal would change this section to include requirements for intermittent and button guide stabilization systems with an accompanying appendix.

The present standard does not address suspension equipment now in use (such as outriggers or davits), employee training in platform operations or performance criteria for fall protection equipment. In addition, the present standard does not reflect changes in related provisions of OSHA's General Industry Standards which have occurred since 1971. These subject will be addressed in the proposed revision of the standard.

V. Summary and Explanation

OSHA has concluded that the present standard does not provided protection against all the present hazards of powered platform operation. There have been significant changes in building design, suspension equipment, platform stabilization and fall protection equipment. Since the standard was promulgated in 1971, the changes have introduced new hazards which are not addressed in the current standard. The necessary recognition and protection against these hazards would be provided in the proposed changed of the standard. Appendices of the standard have been added to provide information and guidelines for complying with the performance criteria in the proposal.

OSHA has decided to amend the present standard, § 1910.66, in its entirety for a number of reasons. First, the present standard primarily addresses only two point and four point powered platforms and utilizes internal references in establishing requirements for both platforms. The proposed revision will address additional types of powered platforms currently in use for exterior building maintenance. In addition, it will address performance criteria for different methods of platform stabilization and requirements for employee training and fall protection. The proposal, however, will not require the alteration or modification of existing installations to meet proposed building and equipment requirements. Second, the present standard contains many requirements which are references to requirements in the American National Standards Institute (ANSI) standard, A 120.1–1970. Many of these same provisions are repeated in the present standard, § 1910.66, and therefore are redundant. Third, the present standard has not been revised since its promulgation in 1971, and does not reflect changes which have been made in related OSHA standards. The proposed revision will reflect changes in Subpart S of this Part and proposed changes in Subpart D and I of this Part. Fourth, the format of the present standard generally follows the format of ANSI–A120.0–1970, a format which is suitable for addressing only two point and four point powered platforms. The format of the proposed revision will address the major categories of building and equipment requirements. This format will make it simpler for employers and employees to understand the standard and will make it easier to implement future changes.

As an aid to following the proposed changes, OSHA has developed the following Distribution and Derivation Tables.

Distribution Table

Present section 1910.66	Proposed section 1910.66
(a)(1)	Revised. See (d)(2).
(a)(2)	Revoked.
(a)(3)	Revised. See (d)(3).
(a)(4)	Revoked.

Distribution Table—Continued

Present section 1910.66	Proposed section 1910.66
(a)(5)	Revoked.
(a)(6)	Revoked.
(a)(7)	Revised. See (d)(44).
(a)(8)	Revised. See (d)(13).
(a)(9)	Replaced. See (d)(14).
(a)(10)	Revoked.
(a)(11)	Revoked.
(a)(12)	Revised. See (d)(45).
(a)(13)	Revised. See (d)(22).
(a)(14)	Revised. See (d)(29).
(a)(15)	Revised. See (d)(35).
(a)(16)	Revoked.
(a)(17)	Revised. See (d)(42).
(a)(18)	Revoked.
(a)(19)	Revoked.
(a)(20)	Replaced. See (d)(10).
(a)(21)	Revised. See (d)(38).
(a)(22)	Revised. See (d)(39).
(a)(23)	Revised. See (d)(9).
(a)(24)	Revised. See (d)(59).
(a)(25)	Revised. See (d)(37).
(a)(26)	Revoked.
(a)(27)	Revoked.
(b)(1)(i)	Replaced. See (a), (b)(1).
(b)(1)(ii)	Replaced. See (a), (b)(1).
(b)(2)	Replaced. See (b)(2), (b)(3).
(b)(3)	Replaced. See (e)(1)(i), (f)(1)(i).
(b)(4)	Revoked.
(b)(5)(i)	Revoked.
(b)(5)(ii)	Revoked.
(b)(5)(iii)	Revoked.
(b)(5)(iv)	Revoked.
(c)(1)(i)	Revised. See (f)(3)(i).
(c)(1)(ii)	Replaced. See (f)(3)(i)(B).
(c)(2)(i)	Replaced. See (f)(3)(i)(D).
(c)(2)(ii)	Revised. See (f)(3)(i)(A).
(c)(2)(iii)	Replaced. See (f)(3)(i)(A).
(c)(2)(iv)	Revised. See (e)(4), (f)(3)(i)(D).
(c)(2)(v)(a)	Revised. See (f)(3)(i)(E).
(c)(2)(v)(b)	Revised. See (f)(3)(i)(F).
(c)(2)(v)(b)(1)	Revised. See (f)(3)(i)(F)(1).
(c)(2)(v)(b)(2)	Revised. See (f)(3)(i)(F)(2).
(c)(3)(i)	Replaced. See (f)(3)(i)(G), (f)(3)(i)(G)(1), (f)(3)(i)(G)(2).
(c)(3)(ii)	Replaced. See (f)(3)(i)(G), (f)(3)(i)(G)(1), (f)(3)(i)(G)(2).
(c)(3)(iii)	Replaced. See (f)(3)(i)(H).
(c)(4)	Replaced. See (f)(3)(i)(L).
(c)(5)	Replaced. See (e)(5).
(c)(6)	Replaced. See (f)(5)(i)(A).
(c)(7)	Replaced. See (f)(5)(i)(B).
(c)(8)	Replaced. See (f)(5)(ii)(A).
(c)(9)	Replaced. See (f)(5)(i)(F).
(c)(10)	Replaced. See (f)(5)(i)(F).
(c)(11)	Replaced. See (f)(5)(i)(F)(4).
(c)(12)	Replaced. See (f)(5)(ii)(B).
(c)(13)	Replaced. See (f)(5)(ii)(J), (f)(5)(ii)(J)(1).
(c)(14)(i)	Revised. See (f)(5)(ii)(E).
(c)(14)(ii)	Replaced. See (f)(3)(i)(F).
(c)(15)(i)	Unchanged. See (f)(5)(ii)(N), (f)(5)(ii)(O).
(c)(15)(ii)	Unchanged. See (f)(5)(ii)(O).
(c)(16)	Revoked.
(c)(17)(i)	Replaced. See (f)(4)(i).
(c)(17)(ii)	Replaced. See (f)(4)(ii).
(c)(17)(iii)	Replaced. See (f)(4)(v).
(c)(17)(iv)	Replaced. See (f)(4)(iv).
(c)(18)(i)	Replaced. See (f)(4)(iii)(A).
(c)(18)(ii)	Replaced. See (f)(8).
(c)(18)(iii)	Replaced. See (f)(4)(iv).
(c)(19)	Replaced. See (f)(4)(ix).
(c)(20)(i)	Replaced. See (f)(7)(i).
(c)(20)(ii)	Revoked.
(c)(20)(iii)	Revised. See (f)(7)(ii).
(c)(20)(iv)	Revised. See (f)(7)(iv).
(c)(20)(v)	Revised. See (f)(7)(vii).
(c)(20)(vi)	Replaced. See (f)(7)(ix).
(c)(20)(vii)	Revoked.
(c)(20)(viii)	Revised. See (f)(7)(v).
(c)(21)(i)	Revised. See (f)(7)(vi)(A).
(c)(21)(i)(a)	Revised. See (f)(7)(vi)(A)(1).
(c)(21)(i)(b)	Unchanged. (f)(7)(vi)(A)(2).
(c)(21)(i)(c)	Unchanged. (f)(7)(vi)(A)(3).
(c)(21)(i)(d)	Unchanged. (f)(7)(vi)(A)(4).
(c)(21)(i)(e)	Revised. See (f)(7)(vi)(A)(5).
(c)(21)(i)(f)	Unchanged. See (f)(7)(vi)(A)(6).
(c)(21)(i)(g)	Unchanged. See (f)(7)(vi)(A)(7).
(c)(22)(i)	Replaced. See (e)(11)(i), (f)(8)(i).
(c)(22)(ii)	Replaced. See (e)(11)(iii).
(c)(22)(iii)	Replaced. See (e)(11)(iii).
(c)(22)(iv)	Replaced. See (f)(8)(iii).
(c)(22)(v)	Replaced. See (f)(8)(ii).

Distribution Table—Continued

Present section 1910.66	Proposed section 1910.66
(c)(22)(v)(a)	Replaced. See (f)(8)(i).
(c)(22)(v)(b)	Replaced. See (f)(8)(i).
(c)(22)(v)(c)	Replaced. See (f)(8)(v).
(c)(22)(v)(d)	Replaced. See (f)(8)(i).
(c)(22)(v)(e)	Replaced. See (f)(8)(i).
(c)(22(vi)	Replaced. See (f)(8)(i).
(c)(22)(vii)	Replaced. See (f)(8)(ii).
(c)(22(viii)	Replaced. See (f)(8)(i).
(c)(22)(ix)	Replaced. See (f)(8)(vii)(A).
(c)(22)(x)	Replaced. See (f)(8)(vii)(B).
(c)(22)(xi)	Replaced. See (f)(8)(vii)(c).
(c)(22)(xii)	Replaced. See (f)(8)(vii)(C).
(c)(22)(xiii)	Replaced. See (f)(8)(vii)(D).
(c)(22)(xiv)	Revised. See (f)(8)(viii)(A), (f)(8)(viii)(B).
(c)(22)(xv)	Replaced. See (f)(8)(viii)(A), (f)(8)(viii)(B).
(c)(22)(xvi)	Replaced. See (f)(8)(viii)(A), (f)(8)(viii)(B).
(c)(22)(xvii)(a)	Revoked.
(c)(22)(xvii)(b)	Revoked.
(c)(22)(xvii)(c)	Revoked.
(c)(22)(xvii)(d)	Revoked.
(c)(22)(xviii)	Replaced. See (f)(8)(ix).
(c)(22)(xix)(a)	Replaced. See (f)(8)(ix).
(c)(22)(xix)(b)	Replaced. See (f)(8)(ix).
(c)(22)(xix)(c)	Replaced. See (f)(8)(ix).
(c)(22)(xix)(d)	Replaced. See (f)(8)(ix).
(c)(22)(xx)	Revoked.
(c)(22)(xxi)	Revoked.
(c)(23)(i)	Replaced. See (e)(11)(v).
(c)(23)(ii)	Replaced. See (e)(11)(v).
(c)(23)(iii)(a)	Replaced. See (e)(11)(v).
(c)(23)(iii)(b)	Replaced. See (e)(11)(v).
(c)(23)(iv)(a)	Replaced. See (e)(11)(v).
(c)(23)(iv)(b)	Replaced. See (e)(11)(v).
(d)(1)	Replaced. See (e)(5), (f)(3)(i), (f)(3)(i)(A), (f)(3)(i)(B), (f)(3)(i)(D), (f)(3)(i)(E), (f)(3)(i)(F), (f)(3)(i)(F)(1), (f)(3)(i)(F)(2), (f)(3)(i)(G), (f)(3)(i)(G)(1), (f)(3)(i)(G)(2), (f)(3)(i)(H), (f)(3)(i)(L).
(d)(2)	Replaced. See (f)(3)(i)(F), (f)(3)(i)(L), (f)(5)(i)(A), (f)(5)(i)(B), (f)(5)(ii)(A), (f)(5)(i)(F), (f)(5)(ii)(B), (f)(5)(ii)(E), (f)(5)(ii)(J), (f)(5)(ii)(J)(1).
(d)(2)(i)	Revoked.
(d)(2)(ii)	Replaced. See (f)(5)(ii)(G).
(d)(3)	Replaced. See (f)(4)(i), (f)(4)(ii), (f)(4)(iv), (f)(4)(v), (f)(4)(ii)(A), (f)(8).
(d)(4)	Replaced. See (f)(4)(ix).
(d)(5)(i)	Replaced. See (f)(7)(i), (f)(7)(ii), (f)(7)(iv), (f)(7)(v), (f)(7)(vii), (f)(7)(ix).
(d)(5)(ii)	Revoked.
(d)(6)(i)	Replaced. See (e)(11)(i), (f)(8)(i), (f)(8)(iii), (f)(8)(v).
(d)(6)(ii)	Replaced. See (e)(11)(i), (e)(11)(iii), (f)(8)(i), (f)(8)(ii), (f)(8)(iii), (f)(8)(v).
(d)(7)	Replaced. See (e)(11)(v).
(d)(8)(i)	Replaced. See (j).
(d)(8)(ii)	Replaced. See (j).
(d)(8)(iii)	Replaced. See (j).
(d)(8)(iv)	Replaced. See (j).
(e)(1)	Replaced. See (g)(1).
(e)(2)	Replaced. See (g)(2)(i), (g)(2)(ii).
(e)(3)	Replaced. See (g)(3), (g)(7).
(e)(4)(i)	Revised. See (g)(4)(i).
(e)(4)(ii)	Unchanged. See (g)(4)(ii).
(e)(4)(iii)	Revoked.
(e)(4)(iv)	Revised. See (g)(4)(iii).
(e)(4)(v)	Revised. See (g)(4)(iv).
(e)(5)	Replaced. See (i)(2)(iv)(A), (i)(2)(iv)(B).
(e)(6)(i)	Revised. See (h)(1).
(e)(6)(ii)	Revoked.
(e)(6)(iii)	Revoked.
(e)(6)(iv)	Revoked.
(e)(7)(i)	Replaced. See (h)(2)(i).
(e)(7)(ii)	Unchanged. See (h)(2)(ii).
(e)(8)	Unchanged. See (h)(4).
(e)(9)	Revised. See (h)(7).
(e)(10)	Replaced. See (g)(5).
(e)(11)	Revised. See (h)(5).
(e)(12)	Revised. See (h)(6).

Derivation Table

Proposed section 1910.66	Present section 1910.66
(a)	(b)(1)(i) Replaced.
	(b)(1)(ii) Replaced.
(b)(1)	(b)(1) Replaced.
(b)(2)	(b)(2) Replaced.

Derivation Table—Continued

Proposed section 1910.66	Present section 1910.66
(b)(3)	(b)(2) Replaced.
(c)	Added.
(d)(1)	Added.
(d)(2)	(a)(1) Revised.
(d)(3)	(a)(3) Revised.
(d)(4)	Added.
(d)(5)	Added.
(d)(6)	Added.
(d)(7)	Added.
(d)(8)	Added.
(d)(9)	(a)(23) Revised.
(d)(10)	(a)(20) Replaced.
(d)(11)	Added.
(d)(12)	Added.
(d)(13)	(a)(8) Replaced.
(d)(14)	(a)(9) Replaced.
(d)(15)	Added.
(d)(16)	Added.
(3)(17)	Added.
(d)(18)	Added.
(d)(19)	Added.
(d)(20)	Added.
(d)(21)	Added.
(d)(22)	Added (a)(13) Revised.
(d)(23)	Added.
(d)(24)	Added.
(d)(25)	Added.
(d)(26)	Added.
(d)(27)	Added.
(d)(28)	Added.
(d)(29)	(a)(14) Revised.
(d)(30)	Added.
(d)(31)	Added.
(d)(32)	Added.
(d)(33)	Added.
(d)(34)	Added.
(d)(35)	(a)(15) Revised.
(d)(36)	Added.
(d)(37)	(a)(25) Revised.
(d)(38)	(a)(21) Revised.
(d)(39)	(a)(22) Revised.
(d)(40)	Added.
(d)(41)	Added.
(d)(42)	(a)(17) Revised.
(d)(43)	Added.
(d)(44)	(a)(7) Revised.
(d)(45)	(a)(12) Revised.
(d)(46)	Added.
(d)(47)	Added.
(d)(48)	Added.
(d)(49)	Added.
(d)(50)	Added.
(d)(51)	Added.
(d)(52)	Added.
(d)(53)	Added.
(d)(54)	Added.
(d)(55)	Added.
(d)(56)	Added.
(d)(57)	Added.
(d)(58)	Added.
(d)(59)	(a)(24) Revised.
(d)(60)	Added.
(e)(1)(i)	(b)(3) Replaced.
(e)(1)(ii)	(b)(3) Replaced.
(e)(1)(iii)	(b)(3) Replaced.
(e)(1)(iv)	(b)(3) Replaced.
(e)(1)(v)	Added.
(e)(2)(i)	(b)(3) Replaced.
(e)(2)(ii)	Added.
(e)(2)(iii)	Added.
(e)(2)(iii)(A)	Added.
(e)(2)(iii)(A)(1)	Added.
(e)(2)(iii)(A)(2)	Added.
(e)(2)(iii)(A)(3)	Added.
(e)(2)(iii)(A)(4)	Added.
(e)(2)(iii)(A)(5)	Added.
(e)(2)(iii)(A)(6)	Added.
(e)(2)(iii)(B)	Added.
(e)(2)(iii)(B)(1)	Added.
(e)(2)(iii)(B)(2)	Added.
(e)(2)(iii)(B)(3)	Added.
(e)(2)(iii)(C)	(b)(3) Replaced.
(e)(2)(iii)(D)	Added.
(e)(3)	Added.
(e)(4)	(c)(2)(iv) Revised.
(e)(5)	(c)(5) Replaced.
(e)(6)(i)	Added.
(e)(6)(ii)	Added.
(e)(6)(iii)	Added.
(e)(7)	Added.
(e)(8)(i)	(b)(3) Replaced.

Derivation Table—Continued

Proposed section 1910.66	Present section 1910.66
(e)(8)(ii)	(b)(3) Replaced.
(e)(8)(iii)	(b)(3) Replaced.
(e)(9)	Added.
(e)(10)	Added.
(e)(11)(i)	Replaced (c)(22)(i), (d)(3), (d)(6)(i), (d)(6)(ii).
(e)(11)(ii)	Added.
(e)(11)(iii)	Replaced (c)(22)(ii), (c)(22)(iii).
(e)(11)(iv)	Added.
(e)(11)(v)	Replaced (c)(23)(i), (c)(23)(ii), (c)(23)(iii)(a), (c)(23)(iii)(b), (c)(23)(iv)(a), (c)(23)(iv)(b), (d)(7).
(e)(11)(vi)	Added.
(f)(1)(i)	(b)(3) Replaced.
(f)(1)(ii)	(b)(3) Replaced.
(f)(1)(iii)	(b)(3) Replaced.
(f)(1)(iv)	(b)(3) Replaced.
(f)(2)(i)	Added.
(f)(3)(i)	Replaced (c)(1)(i), (d)(1).
(f)(3)(i)(A)	Replaced (c)(2)(ii), (c)(2)(iii), (d)(1).
(f)(3)(i)(B)	Replaced (c)(1)(ii), (d)(1).
(f)(3)(i)(C)	Added.
(f)(3)(i)(D)	Replaced (c)(2)(i), (c)(2)(iv), (d)(1).
(f)(3)(i)(E)	Replaced (c)(2)(v)(a), (d)(1).
(f)(3)(i)(F)	Replaced (c)(2)(v)(b)(1), (c)(2)(v)(b)(2), (d)(1).
(f)(3)(i)(G)	Replaced (c)(3)(i), (c)(3)(ii), (d)(1).
(f)(3)(i)(G)(1)	Replaced (c)(3)(i), (c)(3)(ii), (d)(1).
(f)(3)(i)(G)(2)	Replaced (c)(3)(i), (c)(3)(ii), (d)(1).
(f)(3)(i)(H)	Replaced (c)(3)(iii), (d)(1).
(f)(3)(e)(I)	Added.
(f)(3)(i)(J)	Added.
(f)(3)(i)(K)	Added.
(f)(3)(i)(L)	Replaced (c)(4), (d)(1).
(f)(3)(i)(M)	Added.
(f)(3)(ii)	Added.
(f)(3)(ii)(A)	Added.
(f)(3)(ii)(B)	Added.
(f)(3)(iii)(A)	Added.
(f)(3)(iii)(B)	Added.
(f)(3)(iii)(C)	Added.
(f)(3)(iii)(D)	Added.
(f)(3)(iii)(E)	Added.
(f)(3)(iii)(F)	Added.
(f)(3)(iii)(G)	Added.
(f)(3)(iv)(A)	Added.
(f)(3)(iv)(B)	Added.
(f)(3)(iv)(C)(1)	Added.
(f)(3)(iv)(C)(2)	Added.
(f)(3)(iv)(D)(1)	Added.
(f)(3)(iv)(D)(2)	Added.
(f)(3)(iv)(E)(1)	Added.
(f)(3)(iv)(E)(2)	Added.
(f)(3)(iv)(F)(1)	Added.
(f)(3)(iv)(F)(2)	Added.
(f)(3)(iv)(F)(3)	Added.
(f)(4)(i)	Replaced (c)(17)(i), (d)(3).
(f)(4)(ii)	Replaced (c)(17)(ii), (d)(3).
(f)(4)(ii)(A)	Replaced (c)(18)(i), (d)(3).
(f)(4)(ii)(B)	(b)(3) Replaced.
(f)(4)(iii)	(b)(3) Replaced.
(f)(4)(iv)	Added.
(f)(4)(v)	Replaced (c)(17)(iii), (d)(3).
(f)(4)(vi)	(b)(3) Replaced.
(f)(4)(vii)	(b)(3) Replaced.
(f)(4)(viii)	Added.
(f)(4)(ix)(A)	Replaced (c)(19), (d)(4).
(f)(4)(ix)(B)	Replaced (c)(19), (d)(4).
(f)(4)(x)	(b)(3) Replaced.
(f)(5)(i)(A)	Replaced (c)(6), (d)(2).
(f)(5)(i)(B)	Replaced (c)(7), (d)(2).
(f)(5)(i)(C)	(b)(3) Replaced.
(f)(5)(i)(D)	(b)(3) Replaced.
(f)(5)(i)(E)(1)	Added.
(f)(5)(i)(E)(2)	Added.
(f)(5)(i)(E)(3)	Added.
(f)(5)(i)(E)(4)	Added.
(f)(5)(i)(F)(1)	Replaced (c)(9), (c)(10), (d)(2).
(f)(5)(i)(F)(2)	Replaced (c)(9), (d)(2).
(f)(5)(i)(F)(3)	Replaced (c)(9), (d)(2).
(f)(5)(i)(F)(4)	Replaced (c)(11), (d)(2).
(f)(5)(ii)(A)	Replaced (c)(8), (d)(2).
(f)(5)(ii)(B)	Replaced (c)(12), (d)(2).
(f)(5)(ii)(C)	Added.
(f)(5)(ii)(D)	Added.
(f)(5)(ii)(E)	Revised (c)(14)(i), (d)(2).
(f)(5)(ii)(F)	Added.
(f)(5)(ii)(G)	(d)(2)(ii) Replaced.
(f)(5)(iii)(H)	Added.
(f)(5)(iii)(I)	Added.
(f)(5)(iii)(J)	Replaced (c)(13), (d)(2).

DERIVATION TABLE—Continued

Proposed section 1910.66	Present section 1910.66
(f)(5)(ii)(J)(1)	Replaced (c)(13), (d)(2).
(f)(5)(ii)(K)	Added.
(f)(5)(ii)(L)	Added.
(f)(5)(ii)(M)	Added.
(f)(5)(ii)(N)	(c)(15)(ii) Unchanged.
(f)(5)(ii)(O)	(c)(15)(i) Unchanged, (c)(15)(ii) Unchanged.
(f)(5)(iii)(A)	Added.
(f)(5)(iii)(B)	Added.
(f)(5)(iii)(C)	Added.
(f)(5)(iv)(A)	Added.
(f)(5)(iv)(B)(1)	Added.
(f)(5)(iv)(B)(2)	Added.
(f)(5)(iv)(C)	Added.
(f)(5)(v)(A)	Added.
(f)(5)(v)(B)	Added.
(f)(5)(v)(C)	Added.
(f)(5)(v)(D)	Added.
(f)(5)(v)(E)	Added.
(f)(5)(v)(F)	Added.
(f)(5)(v)(G)	Added.
(f)(5)(v)(H)	Added.
(f)(5)(vi)(A)	Added.
(f)(5)(vi)(B)	Added.
(f)(5)(vi)(C)	Added.
(f)(5)(vi)(D)	Added.
(f)(5)(vii)	Added.
(f)(6)(i)	Added.
(f)(6)(ii)	Added.
(f)(6)(iii)	Added.
(f)(7)(i)	Replaced (c)(20)(i), (d)(5)(i).
(f)(7)(ii)	Revised (c)(20)(iii), (d)(5)(i).
(f)(7)(iii)	Added.
(f)(7)(iv)	Revised (c)(20)(iv), (d)(5).
(f)(7)(v)	Revised (c)(20)(viii), (d)(5).
(f)(7)(vi)(A)	(c)(21)(i) Revised.
(f)(7)(vi)(A)(1)	(c)(21)(i)(a) Revised.
(f)(7)(vi)(A)(2)	(c)(21)(i)(b) Unchanged.
(f)(7)(vi)(A)(3)	(c)(21)(i)(c) Unchanged.
(f)(7)(vi)(A)(4)	(c)(21)(i)(d) Unchanged.
(f)(7)(vi)(A)(5)	(c)(21)(i)(e) Revised.
(f)(7)(vi)(A)(6)	(c)(21)(i)(f) Unchanged.
(f)(7)(vi)(A)(7)	(c)(21)(i)(g) Unchanged.
(f)(7)(vi)(A)(8)	(b)(3) Unchanged.
(f)(7)(vi)(B)	(b)(3) Unchanged.
(f)(7)(vi)(C)	(b)(3) Unchanged.
(f)(7)(vii)	(Revised (c)(20)(v), (d)(5).
(f)(7)(viii)	Added.
(f)(7)(ix)	Replaced (c)(20)(vi), (d)(5).
(f)(8)(i)	Revised (c)(22)(i), (c)(22)(v), (c)(22)(v)(a), (c)(22)(v)(b), (c)(22)(v)(c), (c)(22)(v)(d), (c)(22)(v)(e), (c)(22)(vi), (c)(22)(viii), (d)(6)(i), (d)(6)(ii).
(f)(8)(ii)	Replaced (c)(22)(vii), (d)(6)(ii).
(f)(8)(iii)	(c)(22)(iv).
(f)(8)(iv)	Added.
(f)(8)(v)	(b)(3) Replaced.
(f)(8)(vi)	(b)(3) Replaced.
(f)(8)(vii)(A)	(c)(22)(ix) Revised.
(f)(8)(viii)(B)	(c)(22)(x) Replaced.
(f)(8)(viii)(C)	(c)(22)(xii) Replaced.
(f)(8)(viii)(D)	(c)(22)(xiii) Replaced.
(f)(8)(viii)(A)	Revised (c)(22)(xiv), (c)(22)(xv).
(f)(8)(viii)(B)	Replaced (c)(22)(xiv), (c)(22)(xv).
(f)(8)(ix)	(b)(3) Replaced.
(g)(1)	(e)(1) Revised.
(g)(2)(i)	(e)(2) Replaced.
(g)(2)(ii)	(e)(2) Replaced.
(g)(2)(iii)	Added.
(g)(3)	(e)(3) Replaced.
(g)(4)(i)	(e)(4)(i) Revised.
(g)(4)(ii)	(e)(4)(ii) Revised.
(g)(4)(iii)	(e)(4)(iv) Revised.
(g)(4)(iv)	(e)(4)(v) Revised.
(g)(4)(v)	Added.
(g)(5)	(e)(10) Replaced.
(g)(6)	Added.
(h)(1)	(e)(6)(i) Revised.
(h)(2)(i)	(e)(7)(i) Replaced.
(h)(2)(ii)	(e)(7)(ii) Unchanged.
(h)(3)(i)	Added.
(h)(3)(ii)	Added.
(h)(3)(iii)	Added.
(h)(4)	(e)(8) Unchanged.
(h)(5)	(e)(11) Revised.
(h)(6)	(e)(12) Revised.
(h)(7)	(e)(9) Revised.
(i)(i)(i)	Added.
(i)(1)(ii)(A)	Added.
(i)(1)(ii)(B)	Added.
(i)(1)(ii)(C)	Added.

DERIVATION TABLE—Continued

Proposed section 1910.66	Present section 1910.66
(i)(2)(i)	Added.
(i)(2)(ii)	Added.
(i)(2)(iii)	Added.
(i)(2)(iv)(A)	(e)(5) replaced.
(i)(2)(iv)(B)	(e)(5) replaced.
(i)(2)(v)	Added.
(i)(2)(vi)	Added.
(j)	Replaced (d)(8)(i), (d)(8)(ii), (d)(8)(iii), (d)(8)(iv).

Following is a discussion of the requirements of the proposed amendment to the powered platform standard. OSHA invites public comments on these as well as any other issues raised by this proposal.

Proposed paragraph (a) contains the scope for the powered platform section. This section would cover equipment installations used for the exterior maintenance of buildings where the maintenance is done at heights in excess of 35 feet (10.1m).

OSHA proposes in paragraph (b)(1) that this section apply only to those powered platform installations which are used to service a designated building or group of buildings. It does not apply to portable equipment which is used to service buildings on a temporary basis. These provisions are consistent with section 101 of ANSI draft standards A120.1–November 1981. Depending on its use, the OSHA requirements for portable equipment would be covered under the OSHA General Industry Standards Subpart D, or the OSHA Construction Industry Standards Subpart L. OSHA is planning to publish proposals for the revision of Subpart D and Subpart L in 1984.

This section would not apply to installations used in the interiors of buildings which have elevated areas requiring maintenance. OSHA solicits comment on the need for the scope of the standard to apply to installations used in elevated interior areas, such as atriums. Would this coverage of interiors installations be better addressed in a separate standard or should the present proposal be revised to apply to these installations? What changes and additions should be made to the present proposal to address interior installations?

In paragraph (b)(2), OSHA proposes that existing installations meeting the requirements of the current standard need not conform to the requirements in the proposed standard that address buildings, paragraph (e), and equipment, paragraph (f), unless a hazard exists for employees. It is the intent of this provision not to require permanent platform installations already in use to be altered to conform to the proposed building and equipment requirements. As stated earlier, accident data which exist for powered platforms point to inadequate training and improper use of equipment as the cause of accidents rather than the existing installations themselves. Also, OSHA believes that owners of existing installations who have incorporated platform stabilization and suspension means not addressed in the present standard will have applied for variances and/or complied with the program directive issued on November 1, 1982. Comments are requested on these issues. The remaining paragraphs of this proposal which address inspections, tests, maintenance, operations and personal fall protection, however, would apply to existing installations. OSHA is interested in receiving comments on the effect and feasibility of this provision.

OSHA proposes in paragraph (b)(3) to allow the building industry a period of time to adjust to the new requirements. Powered platform installations which are completed within six months after the effective date of the standard would be considered as existing installations covered by paragraph (b)(2). Again, OSHA is interested in receiving comments on the effect and feasibility of this provision.

OSHA proposes in paragraph (c) that an employer who is not the owner of the powered platform installation dedicated to a building, in addition to conducting a visual inspection of the installation prior to its use, shall obtain a certification from the building owner that the installation meets proposed paragraphs (e), (f), (g) and (h) of this section. The building owner would have control over meeting the requirements in these proposed paragraphs. Unless the employer has obtained this certification from the building owner and has conducted his own visual inspection of the installation, paragraph (c) requires that the employer shall prohibit his employees from using the installation. OSHA requests comment on the feasibility of this requirement, and suggestions for provisions in lieu of this requirement.

Paragraph (d) proposes definitions that are stated in terms commonly used and generally recognized in the industry. Fifteen of the definitions are consistent with the present definitions in § 1910.66. These are proposed (d)(2), (d)(9), (d)(10), (d)(13), (d)(14), (d)(22), (d)(29), (d)(35), (d)(37), (d)(38), (d)(39), (d)(42), (d)(44), (d)(45) and (d)(57). One of the definitions, (d)(3), is unchanged from the present definitions in §1910.66. The definitions of "anemometer" (d)(1), "intermittent stabilization" (d)(30), and

"stabilizer tie" (d)(50) are being proposed to aid in understanding the requirements for platform stabilization. The definition "equivalent" (d)(20) is proposed to permit acceptable new methods of suspension and stabilization. The definitions "davit" (d)(15) and "outrigger" (d)(36) are included since they are suspension means for powered platforms. The definition "life line" (d)(32) is proposed since it is an element in a personal fall protection system. The definition "certification" (d)(12) is proposed to illustrate the statement to be obtained by the employer from a building owner regarding standard requirements. The proposed definition "verify" (d)(58) is the action taken by a registered professional engineer in accepting equipment which will fulfill its intended function. The remaining definitions in this paragraph are consistent with the definitions in section 105 of ANSI draft standard A120.1–November 1981.

In paragraph (e), OSHA proposes general requirements for buildings utilizing powered platform installations. Proposed paragraph (e)(1)(i) would require that the installation be designed by or under the direction of a Registered Professional Engineer. This proposal would replace most of the need for the design criteria in the present standard which references engineering specifications and codes. The proposed requirement is consistent with section 201 of ANSI draft standard A120.1–November 1981.

In paragraph (e)(1)(ii), OSHA proposes that exterior installations have the capability of withstanding prevailing weather conditions.

Under general requirements, OSHA proposes that each building installation be designed and constructed to meet three additional performance criteria. These are: (e)(1)(iii), which would require safe access to, and egress from equipment and areas where equipment is used; (e)(1)(iv) would require that the loads imposed on the building by the platform are considered in the building design; (e)(1)(v), would require that the building be designed so that it does not preclude employees from using the equipment in a safe manner. These criteria are based on sections 203.1 and 203.2 of ANSI draft standard A120.1–November 1981.

In paragraph (e)(2)(i), OSHA proposes that buildings utilizing powered platforms for exterior maintenance provide continuous tie-in-guides for the platform on the building facade. Recommended designs and specifications for the tie-in-guides are listed in Appendix A. This is consistent with sections 203.3 and 203.4 of the ANSI draft standard A120.1–November 1981.

Proposed paragraph (e)(2)(ii) permits the elimination of the tie-in-guides proposed in paragraph (e)(2)(i) for the upper sections of the building exterior under certain conditions. The intent of this exception is to provide for variations in building design without reducing employee safety. This is consistent with section 203.1 of ANSI draft standard A120.1–November 1981.

Proposed paragraph (e)(2)(iii) permits the elimination of conditions tie-in-guides proposed in paragraph (e)(2)(i) if one of three alternate guide systems are utilized or their equivalent. The intent of this exception is to provide flexibility in the type of powered platform which can be used for exterior building maintenance. Paragraph (e)(2)(iii)(A) proposes an intermittent stabilization system; paragraph (e)(2)(iii)(B) proposes a button guide stabilization system; and paragraph (e)(2)(iii)(C) proposes a system using angulated roping.

In the ANPR published in the **Federal Register** on February 11, 1983 (48 FR 6368), OSHA requested comment on the establishment of intermittent stabilization requirements for buildings with straight sides and irregular sides. Several commenters (Exs. 2–14, 2–18 and 2–26) suggested OSHA provide requirements for buildings with straight sides, and utilize the variance process for buildings with irregular sides. Other commenters (Exs. 2–15, 2–29 and 2–24) suggested that OSHA establish performance criteria which would apply to both types of buildings. Since one of the objectives of the rulemaking was to reduce the number of variances required for the use of intermittent stabilization systems, OSHA has proposed performance criteria for these systems in paragraph (e)(2)(iii)(A).

The performance criterion for lateral movement proposed in paragraph (e)(2)(iii)(A) are based on Dr. Chen H. Wang's report, *Intermittent Stabilization Systems for Suspended Powered Platforms* (Ex. 3). The report noted that for a person working in a standing position it was desirable to keep the center of gravity of the body within the distance between the feet. Under normal circumstances, this distance is similar to the distance between the shoulders, which is approximately 20 inches (508 mm). With an assumption of a four-inch (101.6 mm) foot width, any lateral movement of the platform which exceeds 14 inches (356 mm) (one half of shoulder width plus foot width) will create a tendency for a person to fall.

This report concluded that the key performance variable which affects platform stability is lateral static displacement, i.e., the horizontal movement of the platform parallel to the building face. In order to obtain optimum stability of the platform, and to reduce the risk of employee falls, it was determined that the platform should be able to move no more than 14 inches (355.6 mm) laterally in either direction. The use of one performance criterion for an intermittent stabilization system will permit the responsible engineer to have considerable flexibility in the selection of other variables in the system. A set of stabilization tables is provided in the appendix with explanatory information to aid in the selection of these variables. The use of these tables is not mandatory. These stabilization tables also provide information on the lateral static displacement of a platform when it is subjected to changing wind velocities that may vary from 25 miles per hour (40.2 km/hr) to 40 miles per hour (64.3 km/hr). In this proposed revision, the platform's horizontal movement would be limited to 14 inches (355.6 mm) in either direction during steady winds of 40 miles per hour (64.3 km/hr) in velocity parallel to the building.

OSHA proposes in (e)(2)(iii)(A)(1) that the vertical interval between building anchors in an intermitten stabilization system must not exceed 50 feet (15.3 m). In the ANPR published in the **Federal Register** (48 FR 6368), OSHA requested comment on the maximum vertical distance OSHA should permit between building anchors. Several commentors suggested a distance of 40 (12.2 m) to 45 feet (13.7 m) (Exs. 2–14, 2–18, 2–22 and 2–26). One commentor (Ex. 2–15) suggested four floors as a distance, and two other commentors noted that this distance would depend on the building design and such variables as floor variations, wind conditions and cable size. Based on a review of the report, *Intermittent Stabilization Systems for Suspended Powered Platforms* (Ex. 3), OSHA has decided that a maximum vertical interval of 50 feet (15.3 m) between anchors would be acceptable, providing the lateral static displacement of the platform is limited to 14 inches (355.6 mm) during a wind velocity of 40 miles per hour (64.3 km/hr), as required in proposed paragraph (e)(2)(iii)(A). The lateral static displacement tables in Appendix C illustrate that it is possible to limit the lateral static displacement of the powered platform to 14 inches (355.6 mm) and when the vertical interval between anchors is 50 feet (15.3 m).

In (e)(2)(iii)(A)(2) and (e)(2)(iii)(A)(3), OSHA proposes that the building anchors be easily visible by employees,

and be arranged to provide vertical and horizontal alignment with the platform as it moves over the building facade. The intent of these provisions is to facilitate easy attachment of the stabilizer ties to the building anchors.

Proposed paragraph (e)(2)(iii)(A)(4) would permit the use of continuous and intermittent stabilization systems for platforms on the same building. The intent of this provision is to provide building managers or owners the option of using the most effective stabilization systems without affecting employee safety.

In paragraph (e)(2)(iii)(A)(5), it is proposed that the intermittent stabilization system provide a safety factor of at least four times the maximum anticipated load against failure. This is consistent with the compliance directive that was issued by OSHA on November 1, 1982 (OSHA Instruction STD 1–3.3).

In paragraph (e)(2)(iii)(A)(6), OSHA proposes that intermittent stabilization systems not be used on ground-rigged platforms. On a ground rigged platform, the stabilizer ties cannot be attached to the building anchors during the first ascent to the roof. Without the stabilizer ties in place, the platform could be subjected to considerable lateral movement from wind forces on the site. To provide maximum employee safety, an intermittent stabilization system would be used with a roof-rigged platform. On a roof-rigged platform, employees would attach stabilizer ties to building anchors during the descent of the platform from the roof, and remove them during the ascent from the lower level.

Proposed paragraph (e)(2)(iii)(B) provides criteria for a button guide stabilization system. The arrangement of the building anchors on the building face, and the relationship of the guide bar to the anchors, are stated in these provisions. Also, the requirement for a 4:1 safety factor against failure for the button guide stabilization system is consistent with the safety factor required in intermittent stabilization systems.

In paragraph (e)(2)(iii)(C), OSHA proposes to accept an equipment installation without tie-in guides if the suspension does not exceed 130 feet (39.6 m), and the lateral static displacement does not exceed 14 inches (355.6 mm) in either direction during steady winds of 40 miles per hour (64.3 km/hr) velocity parallel to the building. The present standard permits a 130 foot (39.6 m) suspension without tie-in, guides, but does not limit the lateral static displacement of the platform. In the ANPR, OSHA asked for comment on the present standard permitting a 130 foot (39.6 m) suspension. Several commenters (Exs. 2–14 and 2–18) considered the current standard too restrictive, while other commenters (Exs. 2–19, 2–21 and 2–26) believed the 130 foot (39.6 m) suspension distance to be adequate.

Other commenters (Exs. 2–22, 2–27 and 2–28) suggested that the suspension distance be less than 130 foot (39.6 m). OSHA has decided that the 130 foot (39.6 m) suspension is satisfactory provided the lateral static displacement does not exceed 14 inches (355.6 cm) in either direction during steady winds of 40 miles per hour (64.3 km/hr) velocity parallel to the building. Data on the lateral static displacement of a powered platform with a 130 foot (39.6 m) suspension is provided in a supplement to Chen H. Wang's report (Ex. 3A). OSHA requests comment on the feasibility of this additional requirement, and the rationale for any recommended changes.

Proposed paragraph (e)(2)(iii)(D) is reserved for additional stabilization systems that might be developed and utilized in the United States.

In paragraph (e)(3), OSHA proposes that guarding be provided on the roof perimeter to protect employees from falling. It is the intention of this provision that the requirements for guarding be consistent with Subpart D of this Part.

Proposed paragraph (e)(4) requires that structural stops be provided for trackless type equipment. This is a revision of the present paragraph (c)(2)(iv) to contain performance language, and is consistent with section 203.4 of the ANSI draft standard A120.1–November 1981.

Proposed paragraph (e)(5) requires that equipment on a roof be capable of being moved to a roof area suitable for maintenance and storage. This is consistent with section 203.4 of the ANSI draft standard A120.1–November 1981, and is a replacement of the present paragraph (c)(5).

In paragraphs (e)(6)(i), (e)(6)(ii) and (e)(6)(iii), OSHA proposes to establish requirements for an elevated track system for a powered platform. These requirements are new, and are consistent with section 203.4 of the ANSI draft standard A120.1–November 1981.

Proposed paragraph (e)(7) would require that imbedded tie-down anchors be made of a non-corrosive metal. This requirement is new and is consistent with section 203.5 of the ANSI draft standard A120.1–November 1981.

In paragraphs (e)(8)(i), (e)(8)(ii) and (e)(8)(iii), OSHA proposes that hanging life lines and cables not in tension be stabilized at 200 foot (61 m) intervals, and those cables in constant tension at 600 foot (183 m) intervals. It is the intention of this provision to minimize the sway of lifelines and cables. These requirements are consistent with section 203.7.1 of the ANSI draft standard A120.1–November 1981. OSHA requests specific comment on these requirements and rationale for any recommended alternatives.

Proposed paragraph (e)(9) would require an emergency action plan which meets the requirements of § 1910.38(a) be developed in advance and implemented when needed for all powered platform operations. These are new rquirements, and are consistent with section 203.7.2 of the ANSI draft standard A120.1–November 1981. OSHA believes it is necessary for the employer to preplan for emergencies so employees involved in these operations know what actions are required of them during emergency situations. Preplanning will enhance safety for employees working on powered platforms.

In the ANPR, OSHA requested comment on the need to provide a descent control device on the platform to provide a safe emergency descent in the event of platform failure. Three commenters (Exs. 2–14, 2–24 and 2–28) believed that these devices should only be used if employees were very well trained. Two other commenters (Exc. 2–10 and 2–26) belived that the devices could pose more dangers to the average employee than if he or she remained on the platform. Other commenters (Exs. 2–6, 2–18, 2–22 and 2–23) considered these devices to be hazardous, and recommended employees use other means of escape, such as access through the building. One commenter (Ex. 2–15) recommended the devices be used only if there were no other means to get workers off the platform.

Descent control devices are not addressed in the personal fall protection system proposed in paragraph (j)(1). However, in Section III of Appendix D it is noted that in some situations, fall protection systems which incorporate an additional feature which allows employees to rescue themselves after the fall has been arrested (such as manually or automatically controlling descent to the ground or another work level) may be desirable.

In paragraph (e)(10), OSHA proposes that any maintenance to those portions of the building that support the powered platform will not affect the capability of the building to meet the requirements of the standard. This is a new requirement and is consistent with section 203.7.3 of

the ANSI draft standard A120.1–November 1981.

In paragraph (e)(11), OSHA proposes the electrical requirements that would apply to buildings utilizing powered platforms. The requirements in paragraphs (e)(11))(i), (e)(11)(iii) and (e)(11)(v) replace paragraphs in the present standard as noted in the distribution table. In proposed paragraph (e)(11)(i), OSHA is replacing the reference to the National Electric Code in the present standard with appropriate sections of Subpart S of this Part. In proposed paragraphs (e)(11)(iii) and (v), it is OSHA's intention to clarify the requirements for the equipment power circuit and the communication system. The requirements in paragraphs (e)(11)(ii) and (e)(11)(iv) are new, and are consistent with sections 203.6.2 and 203.6.6 of the ANSI draft standard A120.1–November 1981. The requirement in paragraph (e)(11)(vi) addresses the location of electrical service receptables in the vicinity of carriages. It is intended to limit the injury to employees and/or damage to the power supply system by the traveling carriage. OSHA requests comment on the feasibility of this requirement and its effect on employee safety.

Proposed paragraph (f)(1) addresses general requirements for equipment used in powered platform installations. The requirements proposed in paragraph (f)(1)(i) and (f)(1)(ii) are consistent with section 301.1 and section 302.2 of ANSI draft standard A120.1–November 1981. The requirements addressing wind forces imposed on the equipment are consistent with section 302.4.1 and section 302.4.2 of the same ANSI draft standard. In proposed paragraph (f)(1)(iii), 75 miles per hour (120.7 km/h) is the design velocity proposed for wind forces imposed on the equipment when it is not in service and stored on the roof. However, in paragraph (f)(1)(iv), the design wind velocity for equipment exposed to wind when it is in service has been increased from 45 miles per hour (72.4 km/h) to 60 miles per hour (96.5 km/h). The proposed increase in design wind velocity was made to support any employee occupancy of the platform for wind exposures up to 40 miles per hour (64.3 km/h), which is proposed in (i)(2)(iv).

Proposed paragraph (f)(2) addresses construction requirements for equipment used in powered platform installations. This requirement is consistent with section 301.4 of the ANSI draft standard A120.1—November 1981.

In paragraph (f)(3), OSHA proposes that the equipment in a powered platform installation shall be suspended by either one of four suspension methods or a suspension method equivalent to one of the four identified methods. The employer will have to demonstrate that the equivalent suspension method he has selected will provide an equal or greater degree of safety for employees then one of the four methods addressed in the standard. In Appendix A, OSHA has set forth one way in which the employer can demonstrate that an additional method is equivalent. It is the intent of this provision to limit the restrictions which would impede technological development of new suspension methods. OSHA solicits comments on OSHA's approach to this issue.

In paragraph (f)(3)(i), OSHA proposes that a carriage is acceptable, as one suspension method, whenever it is necessary to move the platform horizontally to a working or storage location, and when the platform must be boarded at the suspension point elevation area. As noted in the derivation table, the requirement replaces paragraphs (c)(1)(i) and (d)(1) of the present standard. This requirement is also consistent with section 303 of the ANSI draft standard A120.1–1981. OSHA request comment on whether a carriage should be required whenever the elevation exceed 300 feet (91.5 m).

In the ANPR, OSHA requested comment on the need for housing of roof cars. The housing would include any structure that is designed to protect the roof car from exposure to environmental conditions. In the present standard, the term "roof car" describes the equipment which is used as a suspension means for powered platforms, and which can provide horizontal movement of the car to working positions. In the proposed standard, the term "carriage" has been substituted for the term "roof car" as part of a general updating of definitions used in the standard. A number of commenters (Exs. 2–15, 2–23 and 2–28) support the need for housing of the carriage while it is on the roof due to its possible exposure to a variety of environmental conditions. These commenters claimed that such exposure could cause equipment deterioration. One commenter (Ex. 2–18) noted that certain local authorities require housing if an area is subject to hurricanes, tornadoes or extremely high winds. Some commenters (Exs. 2–10, 2–22 and 2–27) noted the housing is not necessary if the required maintenance procedures are followed. Other commenters (Ex. 2–18 and 2–26) stated that the equipment under exposure should be designed for exterior use. Another group of commenters (Exs. 2–14, 2–18, 2–19 and 2–26) noted that there is no evidence of injuries to employees which have resulted due to a lack of housing for equipment. OSHA has decided not to require housing for carriages since there is no known evidence to support this requirement, and other adequate means are available to keep the equipment from deteriorating.

Proposed paragraph (f)(3)(i)(A) contains carriage requirements which would replace paragraphs (c)(2)(ii), (c)(2) (iii) and (d)(1) in the present standard. The requirements are consistent with section 303.1 of the ANSI draft standard A120.1—November 1981 and consist of minor clarifying changes to the present standard.

Proposed paragraph (f)(3)(i)(B) contains carriage requirements which would replace paragraphs (c)(1)(ii) and (d)(1) in the present standard. The requirements are consistent with section 303.2 of the ANSI draft standard A120.1—November 1981 and consist of minor clarifying changes to the present standard.

In paragraph (f)(3)(i)(C), OSHA proposes that a carriage that is manually propelled should not require an employee to exert more than 100 pounds (444.8 n) of force to move it forward. This new requirement is consistent with section 303.1 of the ANSI draft standard A120.1—November 1981. In particular, OSHA requests comment and data on two questions relative to this requirement. First, is the 100 pounds (444.8 n) force limitation requirement appropriate, and if not, should a lighter force limitation be required and why? Second, should the number of persons required to move the carriage be specified in the standard?

The requirements in proposed paragraphs (f)(3)(i)(D), (f)(3)(i)(E) and (f)(3)(i)(F) relating to carriages would replace requirements in the present standard, which are identified in the distribution table. The requirements in the proposed paragraphs are consistent with section 303.3 of ANSI draft standard A120.1—November 1981 and consist of minor clarifying changes to the present standard.

In paragraphs (f)(3)(i)(G), (f)(3)(i)(G)(1) and (f)(3)(i)(G)(2), OSHA proposes requirements which would replace those in the present standard. These standards are identified in the distribution table. The requirements for carriages in the proposed paragraph would be consistent with section 303.5 of ANSI draft standard A120.1—November 1981.

In paragraph (f)(3)(i)(H), OSHA would require that the means be provided to limit the upward travel of a platform when the load exceeds 150 percent of

the rated load. This requirement is based on section 303.6 of the ANSI draft standard A120.1—November 1981. This provision replaces paragraphs (c)(3)(iii) and (d)(1) of the present standard which require that the motor shall stall if the load on the motors is in excess of three times that required for lifting the working platform with its rated load. OSHA solicits comments on this change in roof carriage requirements.

Proposed paragraphs (f)(3)(i)(I), (f)(3)(i)(J) and (f)(3)(i)(K) contain new requirements for carriages, and are consistent with section 303.6 of the ANSI draft standard A120.1–November 1981. The proposed provisions would require a braking or locking system and a means to lock out the power supply for the carriage. OSHA requests comments on whether the proposed requirements are now part of general industry practice or whether these requirements would introduce new additional costs for roof carriage systems. If so, what would be the average cost increase for each of these three provisions?

In paragraphs (f)(3)(i)(L) and (f)(3)(i)(M), the proposed requirements for carriages are consistent with section 303.7 of the ANSI draft standard A120.1–November 1981. The requirement for carriages in (f)(3)(i)(L) replaces the requirements in the present standard under paragraphs (c)(4) and (d)(1) and consists of clarifying changes to the present standard. The provision in paragraph (f)(3)(i)(M) that each carriage work station be identified is a new requirement.

In paragraphs (f)(3)(ii), (f)(3)(ii)(A) and (f)(3)(ii)(B), OSHA proposes new requirements for a track mounted trolley system, which is not covered in the present standard. In such a system a set of trolleys would travel on a track supported from an overhead structure. The trolleys would serve as a means of supporting and moving a suspended platform. Specific requirements are included to insure that maintenance personnel have access to the trolleys, and measures are taken to prevent unintentional horizontal movement of the suspended equipment. These requirements are based on section 303.10 of the ANSI draft standard A120.1–November 1981.

OSHA proposes seven requirements for transportable outriggers in paragraph (f)(3)(iii), which are based on section 304 of ANSI draft standard A120.1–November 1981. The provisions address requirements for outrigger anchorage, stability and loading. In addition, these provisions address related platform requirements for access and egress, suspension height limitation and parallel suspension ropes. OSHA requests comment of paragraph (f)(3)(iii)(A) which limits the platform suspension to 130 feet (39.6 m) if it is ground rigged, and to 300 feet (91.5 m) if the platform is continuously engaged to a building face. Should OSHA permit the use of transportable outriggers above 130 feet (39.6 m) for ground rigged platforms, and above 300 feet (91.5 m) for continuously engaged platforms? If the use of transportable outriggers is permitted under these conditions, should OSHA require that mechanical means be used to handle platform rigging such as electrical cable, suspension wire rope and vertical lifelines?

OSHA proposes requirements for davits in paragraph (f)(3)(iv), which are based on section 305 of ANSI draft standard A120.1–November 1981. A davit is a device, used singly or in pairs, for supporting and transferring powered platforms. The requirements address davit stability and davit installations which include rotatable, nonrotatable, transportable and fixed location davits. OSHA requests comments on all proposed requirements, but particularly on paragraph (f)(3)(iv)(D)(*1*), which applies to davit installations which cannot raise the platform above the building being serviced.

This provision would limit the platform suspension to 130 feet (39.6 m) if it is ground rigged and to 300 feet (91.5 m) if it is continuously engaged to a building face. Should OSHA permit the use of davits above 300 feet (91.5 m) for continuously engaged platforms? If the use of davits is permitted under these conditions, should OSHA require that mechanical means be used to handle platform rigging such as electrical cable, suspension wire rope and vertical lifelines?

In paragraph (f)(3)(iv)(E)(*2*), OSHA proposes that a person should not be required to exert a force of more than 100 pounds (444.8 n) to turn a rotatable davit. It is the intent of this provision to establish a limit on the amount of effort required to rotate the davit from the roof to the drop position and back. This limit of 100 pounds (444.8 n) would be consistent with the limit proposed for the movement of a manually propelled carriage in paragraph (f)(3)(i)(C). OSHA requests comment on the feasibility of this requirement.

In the ANPR, OSHA requested comment on the hazards which have been identified with the use of davits. One commenter (Ex. 2–23) suggested that transportable davits should not be so heavy that they cannot be moved easily. A second commenter (Ex. 2–18) suggested that the davits be of a "tip-up" design to provide a safe means of being raised to their upright position. A third commenter (Ex. 2–22) suggested that davits should be inserted into sockets horizontally and pinned, before being raised to a vertical position. After consideration of these comments, OSHA is proposing three requirements for transportable davits in (f)(3)(iv)(F). First, a davit weighing more than 75 pounds (34 kg.) shall be provided with a means of transport to a working or storage position [(f)(3)(iv)(F)(1)]. Second, the davit should be provied with a pivoting socket that will not exceed a position of 35° above the horizontal [(f)(3)(iv)(F)(*2*)]. Third, the davit shall be fastened to the socket before it is utilized for suspension purposes [(f)(3)(iv)(F)(*3*)].

A hoisting machine is an apparatus which is designed to raise and lower a suspended powered platform. OSHA proposes two new requirements for hoisting machines in paragraph (f)(4), which are based on section 306 of ANSI draft standard A120.1–November 1981. OSHA solicits comments relating to the requirements contained in paragraphs (f)(4)(iv) and (f)(4)(viii) which address speed reducers in hoisting machines, and the structure of traction drums and sheave hoists. The remaining requirements under hoisting machines proposed in paragraph (f)(4) would clarify requirements in the present standard. OSHA requests comment on whether liquid propane and diesel engines should be considered as acceptable power sources for hoisting machines, and should be added to the list of acceptable power sources in paragraph (f)(4)(ii)(A).

In paragraph (f)(5)(i), OSHA proposes general requirements that must be met by suspended equipment covered by this standard. Proposed paragraph (f)(5)(i)(A) would replace paragraphs (c)(6) and (d)(2) of the present standard and would require that the suspended equipment be capable of supporting four times the maximum intended load. This is a clarification of the present standard and is consistent with the present strength requirement for scaffolds in paragraph 1910.28(a)(4) of this Part. This provision is consistent with section 307.1 of the ANSI draft standard A120.1–November 1981. OSHA requests comment on the proposed capability of the suspended equipment.

Proposed paragraph (f)(5)(i)(B) requires a load rating plate on the equipment and replaces paragraphs (c)(7) and (d)(2) of the present standard. The plate provides information which is used to prevent the loading of a platform in excess of its maximum intended load rating. The proposed paragraph would eliminate specific requirements for the materials and type of letters to be used

for the load rating plate now required in the present standard. This provision is based on section 307.2 of the ANSI draft standard A120.1–November 1981.

In paragraphs (f)(5)(i) (C) and (D), OSHA proposes that the platform be continuously stable if suspension points are not at the unit ends, and that guide rollers, guide shoes or building face rollers be provided for each platform. These requirements are based on sections 307.3 and 307.4.1 of the ANSI draft standard A120.1–November 1981 and represent clarifying changes to the requirements in the present standard.

Proposed paragraph (f)(5)(i)(E) would require that each platform be secured to the building facade by one or more of four specified methods or their equivalent. The present standard permits only two securing methods: continuous engagement to building guides and angulated roping with building face rollers. Paragraph (f)(5)(i)(E) will permit the use of two additional securing methods, intermittent and button guide engagement to building anchors, as well as any other securing method which is equivalent to one of the four proposed acceptable methods. The additional methods will provide building owners more options for stabilizing powered platforms. OSHA requests comments on OSHA's approach to this issue.

In paragraph (f)(5)(i)(F), OSHA proposes the requirements for a guard rail system for working platforms. These requirements replace those in paragraphs (c)(9), (c)(10) and (c)(11) of the present standard, and are consistent with section 307.5.1 of the ANSI draft standard A120.1–November 1981. These requirements are also consistent with the guardrail requirements to be proposed for suspension scaffolds in a future revision of Subpart D of this Part. These proposed provisions would require a guardrail system at least 36 inches (914 mm) in height, and loading limits for the top and midrails and material to cover the areas between the toe board and the guardrails.

Proposed paragraph (f)(5)(ii)(A) would require that the platform be at least 24 inches (610 mm) wide and allow for a 12-inch (305 mm) wide passage past any obstruction on the platform. This provision replaces (c)(8) and (d)(2) of the present standard, which requires platforms to be 24 inches (610 mm) wide, and is based on section 307.5.2 of the ANSI draft standard A120.1–November 1981. OSHA requests information and comment regarding platforms which should be exempted from the requirement of a 12-inch (305 mm) wide passage, and the criteria to be used for permitting such an exemption. OSHA also requests comment on whether the requirement for a 12-inch (305 mm) wide passageway should also apply to the distance between the platform hoists and the edge of the platform adjacent to the building. In some cases, such a requirement would preclude the use of some platform hoisting machines.

In paragraph (f)(5)(ii)(B), OSHA would require that the platform floor openings be small enough to prevent the passage of a one inch (25 mm) diameter ball. This provision replaces paragraphs (c)(12) and (d)(2) of the present standard which require that the flooring limit the passage of a 9/16 inch (14 mm) diameter ball. This requirement is based on section 307.5.2 of the ANSI draft standard A120.1–November 1981. This change in floor opening is intended to provide more latitude in platform design without affecting employees safety. OSHA requests comment on this change in floor opening limits.

Proposed paragraph (f)(5)(ii)(C), which is based on section 307.5.2 of the ANSI draft standard A120.1–November 1981, is a new requirement and would restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15° from a horizontal plane. OSHA requests comment on the feasibility and adequacy of this requirement in protecting employees.

In paragraph (f)(5)(ii)(D), OSHA proposes that space be allocated on the platform for cable storage. It is the intention of this new requirement to reduce tripping hazards which may exist on the platform. This provision is based on section 307.5.3 of the ANSI draft standard A120.1–November 1981.

In paragraph (f)(5)(ii)(E), OSHA proposes that the platform controls be located on the platform and be a continuous-pressure type. This provision replaces paragraphs (c)(14)(i) and (d)(2) of the current standard, and is consistent with section 307.5.5 of the ANSI draft standard A120.1–November 1981. The requirement in the present standard for weather proof platform controls is covered in proposed paragraph (f)(8)(i).

Proposed paragraph (f)(5)(ii)(F), which would require all working platforms to have a means of interrupting the power supply on the platform, is a new requirement based on section 307.5.5 of the ANSI draft standard A120.1–November 1981. OSHA requests comment on the feasibility and the necessity of interrupting the power supply on the platform. In addition, OSHA requests comment on the need for interrupting the power supply at the platform location for manintenance purposes.

In paragraph (f)(5)(ii)(G), OSHA would require maximum platform speeds for single speed hoists and multi-speed hosts. This provision is consistent with section 307.5.5 of the ANSI draft standard A120.1–November 1981. Also, this provision replaces paragraph (d)(2)(ii) of the present standard, which does not identify separate maximum speeds for single speed and multi-speed hoists, but addresses only the maximum speed for roof powered platforms. OSHA requests comment on whether OSHA should propose a limit on platform speeds for single and multi-speed hoists to insure employee safety. If so, should OSHA also propose that single speed hoists be used on self powered plaftroms and multi-speed hoists be used on roof powered platforms?

Proposed paragraphs (f)(5)(ii)(H) and (f)(5)(ii)(I) are new requirements which are consistent with sections 307.5.7 and 307.5.8 of the ANSI draft standard A120.1–November 1981. Paragraph (f)(5)(ii)(H) would require that tools and other accessories used on the platform be secured to prevent possible movement. Paragraph (f)(5)(ii)(I) would require that portable fire extinguishers, which conform to OSHA fire protection standards, be provided on platforms. OSHA solicits comments on the practicality of providing fire extinguishers on all platforms.

In paragraph (f)(5)(ii)(J), OSHA is proposing that suitable stairs, ladders, or runways be provided for access or egress from a platform. The stairs, ladders and runways used must conform to the provisions of Subpart D of this Part. This provision replaces paragraphs (c)(13) and (d)(2) of the present standard, and is also consistent with section 307.5.9 of the ANSI draft standard A120.1–November 1981.

In paragraph (f)(5)(ii)(K), OSHA is proposing that any means of access or egress from a platform that is four feet (1.2 m) or higher should be protected by a guardrail system or by hand rails in the case of ladders which conform to Subpart D of this Part. For purposes of information, it is noted that the requirement for a guardrail based on the height (four feet (1.2 m)) of access or egress to a platform in the OSHA General Industry standards is different that a similar requirement (six feet (1.8 m)) in the OSHA Construction Industry Standards. This difference in height can be attributed to the fact that OSHA initially adopted different consensus standards which reflected the current practice of each industry. OSHA solicits more information on the reason for this difference in height requirements in the

consensus standards, and invites further comment related to this matter.

Proposed paragraph (f)(5)(ii)(L) would require that when an overhead obstruction would prevent employees from leaving the platform that the platform be suspended by a secondary wire rope system, or be suspended by four wire ropes. This provision is consistent with section 307.5.10(c) of ANSI draft standard A120.1–November 1981 and would insure that an employee would be able to egress from the platform at some lower level, since the obstruction limits egress above the platform.

Proposed paragraph (f)(5(ii)(M) would require the use of vertical lifelines for employees, if a suspension wire rope failure would cause the platform to upset. However, a horizontal lifeline secured to the platform can be substituted for the vertical lifeline if a secondary wire rope suspension system is used which would prevent the upset. This new provision is based on section 307.5.10 of the ANSI draft standard A120.1–November 1981. This provision would provide the employer with an option for employee fall protection. He has the option of using horizontal life lines in lieu of vertical life lines provided the criteria are met. OSHA requests comment on this new requirement.

In paragraph (f)(5)(ii)(N), OSHA is proposing that the requirements for an emergency electric operating device for roof powered platforms be the same as in the current standard. The labeling of the device with instructions for its use will provide readily available necessary information during the infrequent use of this emergency equipment.

In paragraph (f)(5)(iii), OSHA proposes that certain requirements for two point and four point suspended platforms shall apply to single point suspended platforms. This paragraph is consistent with section 307.5.11 of the ANSI draft standard A120.1–November 1981. Two provisions, paragraphs (f)(5)(iii)(A) and (f)(5)(iii)(B), address those conditions when a secondary wire rope suspension shall be required. The remaining provision, paragraph (f)(5)(iii)(C), addresses platform engagement to the building face.

In paragraph (f)(5)(iv)(A), OSHA proposes that the requirements for two point and four point suspended working platforms shall apply to ground rigged working platforms. This provision is consistent with section 307.5.12 of the ANSI draft standard A120.1–November 1981. OSHA requests comment on the feasibility of this requirement.

In paragraph (f)(5)(iv)(B), OSHA proposes requirements for securing a ground rigged working platform at the end of each day's use. The requirements are consistent with section 307.5.12 of the ANSI draft standard A120.1–November 1981. OSHA requests comment on the feasibility and adequacy of these provisions which are intended to discourage the use of the platform by unauthorized persons.

Proposed paragraph (f)(5)(iv)(C) would require that a ground rigged working platform with a rise of over 130 feet (39.6 m) be continuously engaged to a building face, or be secured by a button guide system. This requirement is consistent with the present standard which also requires continuous engagement of the platform with a building facade if the platform rises over 130 feet (39.6 m).

In the ANPR, OSHA requested comment on the use and types of stabilizer ties utilized on intermittent stabilized platforms. Five commenters (Exs. 2–14, 2–15, 2–18, 2–22 and 2–27) recommended that stabilizer ties should be adjustable. In their experience, adjustable lanyards are effective in attaching a platform to a building face and present no disadvantages. In paragraph (f)(5)(v)(A), OSHA proposes that stabilizer ties be adjustable, but would require that a specific attachment length be maintained at each building anchor.

In paragraph (f)(5)(v)(B), OSHA proposes that the stabilizer tie have the capability of a quick attachment and release from a building anchor on a building facade, yet not be easily disengaged. It is the intent of this provision to provide employees with stabilizer ties that are easy to use and that will provide platform stability. This provision also requires that the stabilizer ties be made to withstand local environmental conditions.

In the ANPR, OSHA received comments (Exs. 2–20 and 2–23) that a proper storage location should be provided for stabilizer ties on the platform to eliminate entanglement and a tripping hazard. In paragraph (f)(5)(v)(c), OSHA has considered these comments and proposes that stabilizer ties be stored in such a storage location on the platform.

In the ANPR, OSHA requested comment on whether it should require an electrical interlock or similar device to interrupt power to the platform hoists whenever the device contacted a stabilizer tie during the ascent of the platform. The hazard here is that if one of the stabilizer ties is not removed during ascent, the platform may become unstable for the occupants. In addition, forces may develop which would be sufficient to cause failure of the stabilization system components. One commenter (Ex. 2–18) stated that an electrical interlock for this purpose is necessary, and suggested the requirement be made similar to the requirement in the compliance directive OSHA STD 1–3.3) published in November 1, 1982. Other commenters (Exs. 2–14, 2–15, 2–22, 2–26 and 2–27) also stated that an electrical interlock for this purpose is warranted. Proposed paragraph (f)(5)(v)(D) would require that such a device be provided on a platform with an intermittent stabilization system.

In response to the ANPR, OSHA received general comments on intermittent stabilized platforms. One commenter (Ex. 2–22) recommended that this type of platform should not extend beyond the building corner, since wind forces might move the platform away from the building. OSHA has considered this recommendation and is proposing this as a requiremeht in paragraph (f)(5)(v)(E).

One commenter (Ex. 2–22) suggested that the platform be provided with both upper and lower building face rollers for additional stability. In addition, it was suggested that the distance between the extreme ends of the building face rollers should be at least 10 feet. OSHA has considered these suggestions and is proposing these requirements relative to building face rollers in paragraphs (f)(5)(v)(F) and (f)(5)(v)(G). OSHA requests comment on the feasibility and need for these provisions, their significance in providing platform stability, and the additional cost of providing both upper and lower face rollers.

In paragraph (f)(5)(v)(H), OSHA proposes that the requirements for two point and four point suspended platforms, (f)(5)(ii) (A) through (M), shall apply to intermittently stabilized platforms. This provision is intended to identify other proposed requirements applicable to intermittently stabilized platforms which have been listed in earlier paragraphs.

In paragraphs (f)(5)(vi)(A), (f)(5)(vi)(B) and (f)(5)(vi)(C), OSHA has proposed three requirements for the guide bars used on a button guide stabilized platforms. Guide bars are "c" shaped metal frames mounted on a platform which engage buttons (building anchors) secured to the building facade. These requirements address guide bar engagement of the buttons (building anchors), storage location on the platform, and maneuverability of the guide bar in the operating or storage mode. Paragraph (f)(5)(vi)(D) proposes that the requirements for two point and

four point suspended platforms shall apply to button guide stabilized platforms. The proposed requirements for a button guide stablized platform were not addressed in the ANSI draft standard A120.1–November 1981. However, this type of platform installation is currently being used to service building exteriors. OSHA requests comment on the use and adequacy of these requirements in protecting employees.

Proposed paragraph (f)(5)(vii) is being held in reserve for other types of suspended equipment which may be developed to service building exteriors.

Proposed paragraph (f)(6)(i) would require that the supported equipment be able to maintain its vertical position on the face of the building without relying on friction. This requirement is consistent with section 308.4(b) of the ANSI draft standard A120.1–November 1981.

Proposed paragraph (f)(6)(ii) would require that means be provided, such as cog wheels, to ensure good climbing traction between the supported equipment and building guides. The requirement is based on section 308.3.1 of the ANSI draft standard A120.1–November 1981. OSHA solicits comments on whether the requirement for providing climbing traction will introduce any new costs for this system.

In paragraph (f)(6)(iii), OSHA proposes that manned platforms used on supported equipment shall comply with the applicable requirements of two point and four point suspended platforms. This provision is intended to identify other proposed requirements applicable to supported equipment which have been listed in earlier paragraphs.

In paragraph (f)(7)(i), OSHA proposes that working platforms be suspended by wire ropes and connections specified by the hoisting machine manufacturer for each installation. This provision replaces paragraphs (c)(20)(i) and (d)(5) of the present standard which requires wire ropes of a specific classification for all installations. This provision is consistent with section 309 of the ANSI draft standard A120.1–November 1981.

Proposed paragraph (f)(7)(ii) would require that the minimum factor of safety for a suspension wire rope shall be ten. This is the same requirement as in the present standard in paragraphs (c)(20)(iii) and (d)(5), and this is consistent with section 309.1.4 of the ANSI draft standard A120.1–November 1981.

In paragraphs (f)(7)(iii) and (f)(7)(iv), OSHA proposes that the suspension wire rope be of improved plow steel, and no less than 5/16 inch (8 mm) in diameter. These provisions replace similar requirements in paragraphs (c)(20)(iv) and (d)(5) of the present standard, and are based on sections 309.1.(a) and 309.1.5 of the ANSI draft standard A120.1–November 1981.

Proposed paragraph (f)(7)(v) would permit only two reverse bends in a suspension wire rope. This is the same limitation in reverse bends as in paragraph (c)(20)(viii) of the present standard.

In paragraph (f)(7)(vi)(A), OSHA proposes requirements for wire rope tags. The data required on the tag is the same as that required in paragraph (c)(21)(i) of the present standard, except for additional information relating to the installer of the wire rope. This provision is based on sections 309.3.1 and 309.3.2 of the ANSI draft standard A120.1–November 1981.

Proposed paragraphs (f)(7)(vi)(B) and (f)(7)(vi)(C) would continue existing requirements in the present standard for rope tags at each wire rope renewal and resocketing. These requirements are based on section 309.3.3 of the ANSI draft standard A120.1–November 1981.

OSHA solicits comment on the necessity for providing some or all of the proposed data on the original and supplemental wire rope tags, and the significance of this data on the ultimate safety afforded employees.

In paragraph (f)(7)(vii), OSHA proposes that at least three wraps of suspension wire rope shall remain on a winding drum hoist, when the platform has reached the lowest point of its vertical travel. This provision is consistent with paragraph (c)(20)(v) of the present standard and section 309.6(a) of the ANSI draft standard A120.1–November 1981.

Proposed paragraph (f)(7)(viii) would require that the length of the suspension wire rope used in traction drum and sheave type hoists shall be four feet (1.2 m) longer than that needed for the total vertical travel of the platform. This provision is consistent with section 309.6(b) of the ANSI draft standard A120.1–November 1981. OSHA requests comment on the current adherence to this requirement in the industry and the effect on unit costs.

In paragraph (f)(7)(ix), OSHA would prohibit the lengthening or repairing of wire rope. This prohibition is consistent with paragraph (c)(20)(vi) of the present standard and section 309.7 of the ANSI draft standard A120.1–November 1981.

In paragraph (f)(8)(i), OSHA proposes that electrical wiring and equipment comply with appropriate sections of the OSHA electrical standards in Subpart S of this Part. This provision replaces paragraph (c)(22)(i) of the present standard, which requires that electrical equipment and wiring conform with the requirements of the National Electrical Code. In addition, this provision replaces requrements for electrical grounding in the present standard.

In paragraph (f)(8)(ii) would require that electrical runway conductor systems be protected from accumulated snow and water. This is the same requirement as in paragraphs (c)(22)(vii) and (d)(6)(ii) of the present standard.

In paragraphs (f)(8)(iii) (f)(8)(iv), OSHA proposes requirements for protection of the traveling cable from damage, and for storage of the cable on the platform.

In paragraphs (f)(8)(v) and (f)(8)(vi), OSHA proposes requirements for the electrical control systems. These provisions include devices to provide protection against electrical overloads, phase reversal and phase failure. The provisions would also require an employee to follow predetermined operating procedures. These provisions are consistent with section 310.2.7 of the ANSI draft standard A120.1–November 1981.

In paragraphs (f)(8)(vii)(A) and (f)(8)(vii)(B), OSHA proposes requirements for electrical interlocks to ensure proper positioning of trackless and power-operated carriages. An electrical interlock is a device that is designed to ensure that operations or motions occur in proper sequence. These provisions would clarify paragraphs (c)(22)(ix) and (c)(22)(x) of the present standard, and are based on section 301.2.8(b) of the ANSI draft standard A120.1–November 1981.

Proposed paragraphs (f)(8)(vii)(C) and (f)(8)(vii)(D) would require devices that would interrupt power to the hoisting motors if the suspension wire rope tension is exceeded, or if the rope becomes slack. These provisions replace paragraphs (c)(22)(xii) and (c)(22)(xiii) of the present standard, and are consistent with section 310.2.8 (c) and (d) of the ANSI draft standard A120.1–November 1981.

In paragraph (f)(8)(viii), OSHA proposes requirements for directional limit switches on roof powered platforms. These switches would prevent a platform from traveling beyond an upper or lower limit. This provision clarifies paragraphs (c)(22)(xiv) and (c)(22)(xv) of the present standard, and is based on section 310.2.8(e) of the ANSI draft standard A120.1–November 1981. OSHA requests comment on the need and feasibility of requiring directional limit switches for self powered platforms.

Proposed paragraph (f)(8)(ix) would require that emergency stop switches be

provided on roof powered platforms. This provision is based on section 310.2.8(f) of the ANSI draft standard A120.1–November 1981.

In the ANPR, OSHA requested comment on the need for requiring on all platforms a level sensing device which would interrupt power to the platform hoists if the platform deviated from a level condition. Two commenters (Exs. 2–15 and 2–28) recommended that level sensing devices be used on all platforms to keep them level. They noted that a platform used on a continuous system may drag or bind and cause the platform to become unstable.

A number of commenters (Exs. 2–10, 2–18, 2–23 and 2–26) stated that such a leveling device would cause more problems than it would solve without any measurable benefit. They also stated that the shut off of power to the hoists would prevent the employees from correcting any out of level situation that might occur. Two commenters (Exs. 2–18 and 2–20) stated that roof powered platforms cannot get out of level since they are suspended from a single hoisting machine. In addition, self-powered platforms are under the constant control of their operators, who can maintain a level condition to travel. One commenter (Ex. 2–24) stated these leveling devices are very difficult to keep in proper adjustment. This commenter also noted that platform leveling has not been a problem in the industry, and that employees would level the platform themselves, since they cannot work on an unlevel platform.

In addition to the objections raised by the above commenters to level sensing device, OSHA is concerned with another problem related to this device. If an employee should become disabled on the platform, the other employee could not power the platform up or down due to the power cut off features of a leveling device. Without this device in place on the platform, the employee could lower one end of the platform, walk to the other end and lower it, or the reverse, raise one end of the platform and then the other. OSHA has decided not to propose requiring level sensing devices for platforms due to the disadvantages which have been identified.

In paragraph (g)(1), OSHA proposes that new installations and alterations to existing installations be subjected to a test to determine if the installation has met the requirements of the standard and if all equipment is operating properly. This provision is the same as in paragraph (e)(1) of the present standard, and is consistent with section 401.1 of the ANSI draft standard A120.1–November 1981.

In paragraph (g)(2)(i), OSHA proposes that building support structures be inspected by a qualified person at least annually. Examples of a qualified person are a registered professional engineer or an inspector employed by an accredited insurance company which is the primary insurer of the installation. This provision is consistent with section 401.2 of the ANSI draft standard A120.1–November 1981.

In the ANPR, OSHA requested comment on whether periodic and maintenance inspections of the installation should be conducted by an employee of the platform manufacturer or his or her representative. Some commenters (Exs. 2–14, 2–15, 2–19 and 2–23) suggested that these inspections be conducted by a manufacturer's employee. One commenter (Ex. 2–18) recommended that an initial employee be trained by a manufacturer, but that subsequent employees be trained by the first employee. One commenter (Ex. 2–10) believed that requiring only a manufacturer's employee to conduct these inspections would eliminate competition and increase costs. Another commenter (Ex. 2–27) noted that these inspections should not be the prerogative of the manufacturer, since other qualified personnel could perform the inspections. Another commenter (Ex. 2–28) believed that employees should be competent by reason of training and experience to service and inspect the equipment. In paragraphs (g)(2)(ii) and (g)(3), OSHA has proposed that the periodic and maintenance inspections be conducted by a qualified person. This is consistent with sections 401.2 and 401.3 of the ANSI draft standard A120.1–November 1981.

In paragraph (g)(2)(iii), OSHA proposes to require a visual inspection of the platform and its components for defects before it is used by employees. In addition, a visual inspection would be required after every occurrence which would affect the structural integrity of the platform. It is the intent of this new provision to require an examination of the platform and its components for obvious deficiencies which might be hazardous to employees.

In proposed paragraph (g)(3), OSHA would require that a maintenance inspection and/or test be made of each platform installation every 30 days or before each use if the work cycle is more than 30 days. This is the same requirement as in the present paragraph (e)(3). In addition, proposed paragraph (g)(3) would require that the employer certify (in writing) that the maintenance inspection and/or test had been conducted. This proposed requirement for employer certification would replace the present requirement in paragraph (e)(3) that a maintenance log be made available for review by the Assistant Secretary of Labor or his designated representative.

In paragraphs (g)(4)(i), (g)(4)(ii), (g)(4)(iii) and (g)(4)(iv), OSHA proposes that the requirements for the inspection of governors and secondary brakes be the same as in the current standard.

In paragraph (g)(4)(v), OSHA proposes that the inspection of governors and secondary brakes be conducted by a qualified person. This is a new provision, and is based on section 401.3 of the ANSI draft standard A120.1-November 1981.

Proposed paragraph (g)(5) would establish the requirements for a suspension wire rope inspection. This provision would replace paragraph (e)(10) of the present standard, which only specifies criteria to be used to identify damaged wire rope. The proposed paragraph is based on section 401.5 of the ANSI draft standard A120.1-November 1981. Criteria for determining the condition of the wire rope during the inspection is provided in Appendix A.

In paragraph (g)(6), OSHA proposes that a hoist be tested to ensure that it has the capacity to raise employees back to the boarding level, before lowering the employees down the side of the building. This is a new provision and is consistent with section 401.6 of the ANSI draft standard A120.1-November 1981.

In paragraph (h)(1)(i), OSHA proposes that all equipment affecting safe operation be properly maintained. This provision is the same as paragraph (e)(6)(i) of the present standard, and is consistent with section 403.1(a) of the ANSI draft standard A120.1-November 1981. OSHA is also proposing that the equipment be taken out of service when it is not in proper working order.

The specific maintenance provisions in the present standard under paragraphs (e)(6)(i), and (e)(6)(ii) and (e)(6)(iii) are being revoked, since proposed paragraph (h)(1)(i) imposes a general duty to maintain equipment in proper working order. However, for the purpose of providing relevant information on the specific items of maintenance to employers, these present provisions are outlined in item 8 of proposed Appendix A to § 1910.66.

Proposed paragraphs (h)(2)(i) and (h)(2)(ii) would require that all parts of the equipment be kept free of dirt or contaminants that affect their proper functioning. These provisions would be the same as paragraphs (e)(7)(i) and (e)(7)(ii) of the present standard, and consistent with section 403.2 of the

ANSI draft standard A120.1–November 1981.

In paragraphs (h)(3)(i), (h)(3)(ii) and (h)(3)(iii), OSHA proposes requirements for the resocketing of suspension wire ropes which utilize babbitted fastenings. These are new provisions which propose procedures and the interval for resocketing of the ropes which are not addressed in the present standard. The proposed paragraphs are consistent with section 403.4 of the ANSI draft standard A120.1-November 1981.

Proposed paragraph (h)(4) would require the reshackling of suspension wire ropes at least every two years. This provision is the same as paragraph (e)(8) of the present standard.

In paragraphs (h)(5) and (h)(6), OSHA proposes that roof systems, building face guiding members and cable stabilizer brackets be maintained to ensure reliability when needed. These provisions are the same as paragraph (e)(11) and (e)(12) in the present standard, and are consistent with sections 403.6 and 403.7 of the ANSI draft standard A120.1–November 1981.

Proposed paragraph (h)(7) would require that safety devices not be placed in an inoperative state, unless there is a need to conduct tests, inspections and maintenance. This provision is the same as paragraph (e)(9) in the present standard, and is consistent with section 403.5 of the ANSI draft standard A120.1–November 1981.

In the ANPR, OSHA noted that the present standard does not require employee training, and requested comment on the type of training employees should receive in the operation and inspection of powered platforms. A number of commenters (Exs. 2–20, 2–21, 2–22, 2–26 and 2–28) recommended on-the-job training as the most effective means of training platform operators. Two comenters (Exs. 2–23 and 2–28) believed that on-the-job training was not sufficiently effective, since employers may not have qualified instructors, and employees would not receive adequate safety training. Several commenters (Exs. 2–18, 2–26 and 2–28) noted that the training of employees should be done by a certified person, a manufacturer's representative or a qualified instructor. OSHA has considered these comments and has decided to propose that employee training shall be required and that this training shall be done by a qualified person.

In paragraphs (i)(1)(i) and (i)(1)(ii), OSHA would require that an employee shall be proficient in the safe operation and inspection of a powered platform and in the recognition of associated hazards. OSHA proposes that an employee gain this proficiency through training by the employer.

In paragraph (i)(1)(iii), OSHA proposes that a qualified person, who has the necessary training and experience, be utilized in the instruction of employees using powered platforms.

In the ANPR, OSHA requested comment on the need to provide written work procedures to insure comprehensive and uniform instruction. A number of commenters (Exs. 2–18, 2–22, 2–23, 2–24 and 2–28) supported the need for written work procedures for employee instruction. One commenter (Ex. 2–20) noted that procedures should be provided with every piece of equipment supplied. Another commenter (Ex. 2–15) believed that it would be difficult to write out work procedures to fit each building and its equipment. OSHA has considered these comments and in paragraph (i)(1)(iv) proposes the use of written work procedures for employee training.

Proposed paragraph (i)(2)(i) would require that the platforms not be loaded in excess of their intended load ratings. During an employee's training, he or she should become informed of the maximum intended load of the platform he or she uses. This is a new provision intended to provide platforms that would be used within their safe design limits.

In paragraph (i)(2)(ii) OSHA proposes a new provision which would prohibit employees from working on snow or ice covered platforms, except for removal of the snow and ice or other slippery material.

Proposed paragraph (i)(2)(iii) is a new provision which would require that platform members and ropes be protected from the detrimental effects of open flames, hot work, corrosive chemicals or other adverse conditions. OSHA requests comment on the feasibility of this requirement, and the need for employee instruction in the use of the equipment and materials.

In the ANPR, OSHA requested comment on whether employees should be prohibited from using a powered platform when a specific wind velocity is measured on an anemometer. Also, comments were requested identifying the specific wind velocity. Two commenters (Ex. 2–15 and 2–21) believed that the use of powered platforms in adverse weather conditions should depend on the experience of the employees, rather than on some limitations determined by OSHA. Several commenters (Exs. 2–15, 2–23 and 2–28) noted that the wind velocity may vary considerably around the building and at various elevations. Other commenters (Exs. 2–14, 2–22, 2–26 and 2–28) suggested that employees should be prohibited from using powered platforms when the wind velocity exceeds 25 miles per hour (40.2 km/hr). Another commenter (Ex. 2–18) suggested OSHA limit of use of powered platforms during wind conditions over 25 miles per hour (40.2 km/hr) for intermittently stabilized platforms, and 40 miles per hour (64.3 km/hr) for continuously stabilized platforms.

The ANSI draft standard A120.1–November 1981 also addresses wind velocity limits for manned platforms. In section 402.2 of the ANSI draft standard, employees would be prohibited from using a platform in prevailing winds above 35 miles per hour (56.3 km/hr) at ground level. Based on earlier comment received in response to the ANPR, it is possible that the prevailing winds at higher elevations could easily exceed 35 miles per hour (56.3 km/hr).

Current OSHA plans call for the revision of the standards which address scallolds in Subpart D of Part 1910 (General Industry) and Subpart L (Construction) to prohibit work from scallolds in winds above 40 miles per hour (64.3 km/hr).

After considering all of the above data, OSHA proposes in paragraph (i)(2)(iv)(A) to prohibit work on powered platforms in winds above 40 miles per hour (64.3 km/hr) when a continuous tie-in guide or a button guide stabilization system is used. Platforms using continuous or button guide stabilization systems would have little, if any, lateral displacement at these wind velocities and the effect on employee safety would be minimal.

In paragraph (i)(2)(iv)(B), OSHA proposes to prohibit work on powered platforms in winds above 25 miles per hour (40.2 km/hr) when the stabilization system is intermittent or as provided in paragraph (e)(2)(iii)(c) of this section. For this type of stabilization system, the lateral static displacement of the platform would be limited to 14 inches (355.6 mm) during steady winds of 40 miles per hour (64.3 km/hr). Due to this limited platform displacement, employee stability on the platform would be maintained during work periods in which the wind velocity may exceed 25 miles per hour (40.2 km/hr).

The proposed paragraphs (i)(2)(iv)(A) and (i)(2)(iv)(B) would replace paragraph (e)(5) in the present standard which prohibits the use of powered platforms during severe adverse weather conditions, and is intended to clarify the present standard. OSHA requests comment relative to the proposed wind speed limitations for work on powered platforms.

In the ANPR, OSHA requested comment on the use of anemometers to measure wind velocity as a factor in determining adverse weather conditions. Some commenters (Exs. 2–15, 2–21, 2–23 and 2–27) believed that employees should rely on their own experience and judgement as to their use of powered platforms during adverse weather conditions. Other commenters (Exs. 2–10, 2–20, 2–23 and 2–27) noted that anemometers would not be useful since the wind conditions vary around the building and at different elevations. They recommended that monitoring the local weather forecasts would be one way of getting advance notice of changes in wind velocity. Another group of commenters (Exs. 2–18, 2–25, 2–26 and 2–28) recommended that anemometers be placed on buildings since they serve as reasonable means of monitoring the general wind conditions at the building location where the platform is to be used. One commenter (Ex. 2–18) noted that anemometers have been in use for over two years and the results have been excellent.

In paragraph (i)(2)(v), OSHA proposes that anemometers are to be provided by employers on buildings to give information on wind velocities at the site. OSHA believes that the employer should make use of all available weather information in addressing exposure of employees to adverse weather conditions. A knowledge of the local weather forecasts, and of the general wind conditions at the building site provided by an anemometer, should aid the employer in his or her decisions.

In paragraph (i)(2)(vi), OSHA proposes that platforms be kept free of tools, materials, and debris not incidental to the work in progress. This is a new provision, and is intended to allow only those items on the platform that are necessary for a particular job. OSHA believes that this provision would reduce fall hazards and reduce the weight imposed on the platform.

In the ANPR, OSHA requested comment on whether it should establish performance criteria for fall protection systems. Two commenters (Exs. 2–10 and 2–15) recommended that OSHA establish performance criteria, and that the employers select the components to meet this criteria. Other commenters (Exs. 2–16 and 2–24) suggested that OSHA adopt the American National Standards Institute (ANSI) standard A10.14–1975, Safety Belts, Harness, Lanyards, Lifelines, and Drop Lines for Construction and Industrial Use. Proposed paragraph (j)(1) would require that all employees be protected by a Personal Fall Arrest System meeting the requirements of proposed Appendix D, Section I. The personal fall arrest system is intended to arrest an employee in a fall from a working level. It consists of an anchorage, hardware, a body belt or body harness, a lanyard or decelerating device and a vertical or horizontal life line. The personal fall arrest system in proposed Appendix D, Section I and referenced in paragraph (j)(1) of this proposed standard, is based on ANSI standard A10.14–1975. In addition, performance criteria and test standards for this fall arrest system are also addressed in Appendix D, Sections I and II.

In the ANPR, OSHA requested comment on the need for fall arrest systems to be certified by a manufacturer or approved by a qualified engineer. Several commentors (Exs. 2–10, 2–11, 2–14 and 2–15) suggested that manufacturers should certify fall arrest systems. One commenter (Ex. 2–26) recommended that a manufacturer should certify the equipment through independent testing laboratories. Several commenters (Exs. 2–18 and 2–22) recommended that the equipment be certified or approved by an independent testing laboratory. OSHA has decided to propose the performance criteria for personal fall arrest equipment, rather than require certification or approval. The performance criteria which must be met are listed in Appendix D, Section I, and are referenced in paragraph (j)(i) of this proposed standard.

In the same ANPR, OSHA requested comment on the need for the training of employees in the use and inspection of fall arrest equipment. Two commenters (Exs. 2–18 and 2–22) endorsed the need for training, and suggested it be done by manufacturers or trade associations. One commenter (Ex. 2–28) also endorsed the need for training, and recommneded that a written log be kept and signed by the equipment inspector. Several commenters (Exs. 2–14, 2–24 and 2–26) agreed that employers should be responsible for training of employees in the use and care of fall arrest equipment. OSHA agrees that for the fall protection system to be capable of providing proper protection, employees must be thoroughly trained in all aspects of the system. In the proposed paragraph (j)(1) of this standard, the requirements of referenced Appendix D, Section I include employee training in the application limits of the system and the proper lanyard to use with body belt or harness; the proper anchoring methods, life line strength and allowance for elongation or sliding distance; and proper methods for inspection, use and storage.

In the ANPR, OSHA requested comment on the use of vertical life lines; on lines secured to the platform; and on their related hazards. A number of commenters (Exs. 2–15, 2–20, 2–23 and 2–24) noted that wind forces on long vertical life lines can create a hazard for employees. Other commenters (Exs. 2–21 and 2–22) stated that lines secured to a platform are more apt to be used and do not cause a tripping hazard on the platform. Another commenter (Ex. 2–18) noted that vertical life lines would provide a hazard in the new multi-roof level buildings and should not exceed a 300 foot (91.5 m) length. However, a number of commenters (Exs. 2–11, 2–14 and 2–28) favored the use of vertical life lines. One commenter (Ex. 2–10) believed that vertical life lines should be used for a two point suspension platform in the event the platform was upset.

In the proposed paragraph (j)(1), of this standard the requirements of referenced Appendix D, Section I would permit the use of a vertical life line or a line secured to the platform provided the performance criteria for each type of line is met. If long vertical life lines are used, proposed paragraph (e)(8) would require that they be stabilized at 200-foot (61 m) intervals to restrict wind displacement. If a life line is secured to a platform, proposed paragraph (f)(5)(ii)(M) would require a secondary wire rope separate from the suspension rope which will not permit the platform to fall if there should be a failure of the primary means of support.

The proposed provisions for a personal fall arrest system listed in Appendix D and required in the proposed paragraph (j)(1) are consistent with the provisions planned for an amendment of Subpart I of this Part. OSHA is planning in another rulemaking to add a new § 1910.129 in Subpart I, Personal Fall Arrest Systems. If the rulemaking for § 1910.129 is completed, it is OSHA's intention to replace Appendix D in the proposal with a reference to § 1910.129 of this Part.

Proposed Appendix A has been added to the standard to provide supplementary information and guidelines to aid the user in complying with the standards requirements. OSHA requests comment on the applicability of the information in the appendix, and further requests information regarding suitable additions or revisions to the appendix.

Proposed Appendix B has been added to the standard to provide illustrations of three stabilization systems discussed in the standard. The systems are an Indented Mullion Guide System, an

Intermittent Tie-In System and a Button Guide System.

Proposed Appendix C has been been added to the standard to provide stabilization tables which can be used in the development of intermittent stabilization systems. The use of these tables is not mandatory. The tables provide data on the lateral static displacement of a powered platform using an intermittent stabilization system based on certain variable conditions. OSHA requests comment on methods to improve the usefulness of the stabilization tables.

Proposed Appendix D, Sections I and II provide the criteria and test methods for a Personal Fall Arrest System. Section III of Appendix D provides non-mandatory guidelines for employers to use in complying with the proposed criteria. In paragraph (j)(1), OSHA proposes that employees be protected by a Personal Fall Arrest System meeting the requirements of Section I of Appendix D.

OSHA is planning to amend Subpart I of this Part by adding a new section which will address a Personal Fall Arrest System. The criteria, test methods and non-mandatory guidelines proposed in Appendix D are based on the planned amendment to Subpart I.

VI. References

1. USDOL/OSHA. *Selected Occupational Fatalities Related to Powered Two Point Suspension Scaffolds/Powered Platforms as found in Reports of OSHA Fatality/Catastrophe Investigations.* Prepared by Office of Statistical Studies and Analysis, Washington, D.C.: 1983.

2. Wang, C. "Intermittent Stabilization Systems For Powered Platforms," September 1983.

3. DOL/BLS. "Scaffold Accident Survey." Washington, D.C.: 1978.

4. National Bureau of Standards, (NBS). *Review of Technical Information on Scaffolds.* NBSIR 81–2265 Washington, D.C.: May 1981.

5. "Analysis of Technological and Economic Factors of Proposed Revisions to OSHA Regulations on Powered Platforms." Arthur Young and Company. Washington, D.C.: 1983.

6. ANSI A120.1–19xx Draft Standard (Revision of A120.1–1970). *American National Standard Safety Standards for Powered Platforms and Equipment Used for Window Cleaning.* American National Standards Institute (ANSI), unpublished draft, New York, N.Y.: November 1981.

7. "Specific Safety Requirements of the Industrial Commission of Ohio Relating to Window Cleaning." Industrial Commission of Ohio, State of Ohio: January 1982.

8. "Protection of Persons Employed at Window Cleaning—Structural Requirements, Equipment and Procedures" Industrial Code 21. Department of Labor, State of New York: October 1966.

VII. Regulatory Impact Assessment

Introduction

In accordance with Executive Order 12291 (46 FR 13193), February 17, 1981), OSHA has assessed the potential impact of this revised standard. Based on the Executive Order criteria, OSHA has determined that this revised standard would not be a "major" action necessitating further economic impact evaluation. Accordingly, OSHA has prepared a Preliminary Regulatory Impact Assessment (PRIA) (Ex. 8) which is available from the OSHA Docket Office.

OSHA has determined that the proposed revision to Section 29 CFR 1910.66 Subpart F would, in fact, reduce the costs of compliance because it would permit alternative methods of platform stabilization to be used, whereas the existing standard permits only one specific method. Employers would be allowed to choose the most cost-effective methods of providing the necessary level of employee safety.

Data for this assessment were provided by the December 15, 1983 Arthur Young and Co. report entitled, *Analysis of Technological and Economic Factors of Proposed Revisions to OSHA Regulations on Powered Platforms* (Ex.7). Additional information was obtained from comments submitted to the docket.

Population at Risk

Powered platforms are used on high-rise office buildings to serve as platforms for window washing and exterior building maintenance. The population at risk are those individuals who use powered platforms to service building exteriors. The two major industries affected are Window Washers (SIC 7341) and Special Trade Contractors Not Classified Elsewhere (SIC 1799).

There are 7,584 window washing employees in 984 establishments. The annual payroll for window washers is $71.4 million. The average window washing firm employs eight workers at an average yearly salary of $9,414. Many small cities and cities with building height restrictions are likely to use ground rigged scaffolds rather than powered platforms; thus, OSHA estimates that only 1,500 of the 7,584 window washers will ever use powered platforms.

Special trade contractors, N.E.C., primarily use powered platforms to caulk windows. There are 15,799 establishments in SIC 1799. They employ 151,026 workers at an annual payroll of $2.4 billion. The average firm employs nine to 10 workers at an average yearly salary of $15,972.

Technological Feasibility

The proposed standard is technologically feasible, because it would allow the use of platform stabilization methods that have already been approved by OSHA variances. Consequently, all of the technical information and equipment necessary to comply with the standard have already been developed.

Costs of Compliance

In order to determine the costs involved, OSHA reviewed system component data obtained by Arthur Young and Co. from platform manufacturers, building curtain wall installers, platform system component manufacturers, and in-house estimates of the professional staff of Lerch Bates & Associates (an engineering firm that plans and designs buildings). All of the OSHA estimates have assumed that stabilization systems would be designed into the original plans for the building and do not include retrofitting costs. OSHA has determined that the retrofitting of buildings to accompany new platform stabilization systems would be prohibitively expensive.

Stabilization systems costs have been estimated for three large building sizes: 10–20 floors (15 floor average), 21–35 floors (25 floor average), and over 35 floors (45 floor average).

OSHA then estimated the number of high-rise buildings that would be built each year and the proportion of them that would be built in each height category. Based on information supplied by Arthur Young and Co., OSHA has estimated the number of buildings expected to use intermittent tie-in systems under the two regulatory alternatives to the current standard, the compliance directive, and the proposed standard.

Aggregate platform stabilization costs have been determined by multiplying the number of buildings of each size and type of construction (granite, precast concrete, and aluminum and glass) by the projected cost for that type and size building. Stabilization system replacement costs have not been included in the aggregation because they have been found to be too small to alter any conclusions. OSHA has estimated that approximately 300 large buildings will be built annually. Under the proposed standard, 24 of the 300 buildings that will be built would use the intermittent tie-in system. Since only 21 of these buildings are straight faced, 21 buildings with intermittent tie-in

systems would be built under the compliance directive.

The cost of compliance (savings to the builder) depends upon the type of building face. High-rise buildings usually have one of three type of faces: aluminum and glass, granite, or precast concrete. Intermittent tie-in systems would be less costly on all building faces, except those that are aluminum and glass.

Using as a baseline the provisions required by the existing standard, OSHA has estimated that the yearly cost savings associated with the proposed standard would be about $3.165 million. Of this amount, $2,967 million would be due to reduction in building stabilization costs, $0.480 million would be due to reduced variance costs to the builder, and about $0.094 million would be due to reduced variance costs to the government. When compared with the present standard, the compliance directive saves approximately $2.034 million, about $2.0 million of which results from reduced stabilization costs, and $0.5 million in reduced variance costs. In comparing the proposed standard with the compliance directive, OSHA has therefore estimated that the proposed standard would provide an annual incremental cost savings of approximately $1.132 million more than the cost savings of the compliance directive.

The potential cost reduction would be slightly offset by an increase in training costs. Training costs were estimated on a per worker basis. OSHA has estimated that workers who use suspension scaffolds or powered platforms currently need an hour of training. It is anticipated that, under the proposed standard, workers on powered platforms would need an additional four hours of training in order to use the system correctly, because operating an intermittent system is more complex than operating other types of stabilization systems. Based on the Arthur Young report, OSHA has estimated that training costs for the 1,500 workers expected to used powered platforms would be $375,000 in the first year and $18,750 in each year thereafter. This estimate was made by assuming that each of the 1,500 workers would require five hours of instructional training at a cost of $50.00 per hour. The basis of the per hour cost of training includes the salary and fringe benefits of the employee as well as the supervisor providing the training, the costs of any training materials, and lost productivity. In order to estimate future yearly training costs, OSHA has assumed that only new employees would have to be trained. As the turnover rate among window washers has been reported by Arthur Young and Co., to be 5 percent, annual training costs have been assumed to be 5 percent of the first year's training costs, of $18,750 per year. Although the annual training costs may be an underestimate because they do not allow for retraining of workers who use powered platforms infrequently, OSHA does not have any available data on the retraining of these workers and is soliciting data on this topic.

Few, if any, existing buildings would change their platform stabilization system as a result of this regulatory change. Any changes that would occur on existing buildings, would be on buildings with damaged or improperly designed continuous track or button systems. For buildings being designed, the choice of stabilization systems would be made on the basis of design and/or cost savings to the builder. New building designs such as multiple planes, setbacks, steeped roofs, complicated corner arrangements, and energy conservation designs are not compatible with continuous track stabilization systems.

An analysis was performed on the economic effects that the proposed change in Subpart F would have on the economy, as well as on the eight groups likely to be affected by the revision. Based on the available data, OSHA has determined that the proposed standard would have an insignificant effect upon the overall economy. The following sections briefly review the eight groups likely to be affected.

(1) *Builders and Real Estate Developers.* Architectural and cost trends have caused developers and designers increasingly to prefer intermittent systems over continuous systems. OSHA has estimated that the proposed standard would reduce future construction costs for some types of buildings but this would not be a substantial cost savings. In addition to decreased stabilization costs, builders would also save the costs of obtaining a variance. In buildings where aluminum and glass panels are not used for curtain walls, intermittent tie-in systems are significantly cheaper to construct than are continuous track systems. On glass and aluminum buildings of conventional design, the track system is likely to be used because it would cost less to install than would the other systems. While potential cost savings of several thousand dollars a floor would appear significant, the total economic effect is probably inconsequential because construction costs of more than $1 million per floor are common in highrise commercial construction. As a result of the change in Subpart F, a small increase in profitability could occur for commercial developers and builders.

(2) *Buildings Maintenance and Window Cleaning Firms.* Continuous contact systems tend to be easier and faster to operate than intermittent systems. Once a continuous system is engaged, no further attention is required by the operators until a drop is completed. With intermittent systems, operators must stop approximately every three floors to attach and remove the lanyards. It is possible, therefore, that the productivity of window washers using an intermittent system may decrease. This decrease is not expected to be significant because it would occur only on a high-speed roof-powered system in which the rig would have to be stopped at every tie-in point. These systems are in the minority, as 70 percent of new buildings will use self-powered platforms that either have drum hoists, or low-speed traction hoists, which move slowly enough to remove the lanyards without stopping, producing very minimal productivity losses. On the 30 percent of the buildings that will use high-speed roof-powered systems, some decrease in productivity would be likely to occur. OSHA does not have data on this effect and has qualitatively determined that the productivity decrease would be small.

(3) *Workers.* Industry experts believe that intermittent systems provide safety equivalent to that provided by continuous systems and provide more safety than is presently provided by suspension scaffolds. As the proposed standard incorporates the requirements that were necessary to obtain a variance, OSHA has confidence that future designs will ensure adequate levels of safety. The major safety concern about the new system is whether workers would properly use these systems. Proper use requires than an intermittent system be tied in at designated floors, and there could be a safety problem if workers choose not to make the tie-ins.

(4) *Construction Trades.* As a result of the proposed change in Subpart F, construction employment may slightly decline because of the installation of continuous track systems is more labor intensive than is the installation of intermittent systems. Based on available data, OSHA has estimated that for every 90 floors of construction in which an intermittent system is used in place of a continuous system, one less year would be required for masonry and

concrete special trades employment. Stabilization system installations are only a small fraction of the numerous functions performed by these trades and represent far fewer total labor hours than most of the other operations performed. Thus, the impact of this employment reduction would be minimal.

(5) *Manufacturers.* Included in this group would be the manufacturers of powered platform systems and the manufacturers of the components of the various types of platform stabilization systems. These components include track sections, button guides, lanyards, and building anchorages of various types, such as clips and indent pins. None of the stabilization system components are solely fabricated by manufacturers for use on stabilization systems. All components are relatively simple in design and are used in many other applications. An increase or decrease in demand for a specific component would likely have little effect on the manufacturers of these components. Manufacturers of intermittent systems would likely experience a demand increase while manufacturers of button systems would likely experience a decrease. All powered platforms systems can be used with all types of stabilization systems so that no changes in platform design would be necessary.

(6) *Government.* There would be a savings to the federal government from the expected reduction in variance costs. OSHA has estimated that the cost to the government of processing a variance request is $3,833. This includes approximately $1,600 for staff time necessary to decide upon the merit of the variance request and approximately $2,200 for publishing the information in the **Federal Register**.

(7) *Architects and Designers.* Architects and designers would be expected to have greater freedom in building design. OSHA does not expect that this increased freedom would translate into any measurable economic effect.

(8) *Professional Services to Developers.* There would be an insignificant reduction in the need for professional engineering services because builders who formerly had to obtain a variance would no longer be required to undergo the OSHA variance process. Under the proposed standard, an engineering analysis is required by builders desiring to use an intermittent system, but this is expected to cost less than the analysis necessary to obtain a variance.

Benefits

Industry experts believe that intermittent systems, if used correctly, are as safe as continuous systems. With additional training, the workers covered under 29 CFR 1910.66 (Subpart F) would continue to receive adequate protection. The primary benefit associated with the proposed changes in Subpart F is the same level of protection at a lower cost and with less federal government intervention. The change would also allow greater flexibility of building design, less conspicuous stabilization systems, and easier system installations.

VIII. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (Pub. L. 96–353, 94 Stat. 1164 [5 U.S.C. 610 et seq.]), OSHA has assessed the potential economic impact of the proposal on small entities and has concluded that the proposal would not have a significant impact on small entities.

IX. Recordkeeping

The proposed standard contains a recordkeeping requirement which pertains to written work procedures (§ 1910.66(i)(1)(iv)). In accordance with 5 CFR Part 1320 (Controlling Paperwork Burdens on the Public), OSHA has submitted the proposed recordkeeping requirement to the Office of Management and Budget (OMB) for review under Section 350(h) of the Paperwork Reduction Act. Comments regarding the proposed recordkeeping requirements may be directed to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Occupational Safety and Health Administration, Washington, D.C. 20503, and to the Docket Officer, Docket No. S–700A, Room S6212, U.S. Department of Labor, Washington, D.C. 20210.

X. International Trade

OSHA has determined that there would be no impact on international trade.

XI. Public Participation

Interested persons are requested to submit written data, views and arguments concerning this proposal. These comments must be postmarked by March 25, 1985, and submitted in quadruplicate to the Docket Officer, Docket No. S–700A, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Written submissions should identify the specific provisions of the proposal which are addressed, and specific recommendations are encouraged on each issue.

All data received within the specified comment period will be made a part of the record. Data, views and arguments that are submitted will be available for public inspection and copying at the above Docket Office address.

Additionally, under section 6(b)(3) of the OSH Act and 29 CFR 1911.11, interested persons may file objections to the proposal and request an informal hearing. The objections and hearing requests should be submitted in quadruplicate to the Docket Office at the above address and must comply with the following conditions:

1. The objection must include the name and address of the objector;
2. The objections must be postmarked by March 25, 1985;
3. The objections must specify with particularity the provisions of the proposed rule to which objection is taken and must state the grounds therefor;
4. Each objection must be separately stated and numbered; and
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

XII. List of Subjects in 29 CFR Part 1910

Personal fall protection systems, Powered platforms, Stabilization, Suspended equipment, Training, Occupational safety and health, Safety.

XIII. Authority

This document was prepared under the direction of Robert A. Rowland, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210.

PART 1910—[AMENDED]

Accordingly, pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 9–83 (48 FR 35736), and 29 CFR Part 1911, it is proposed to revise § 1910.66 of 29 CFR Part 1910 to read as set forth below.

Signed at Washington, D.C., this 10th day of January 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

§ 1910.66 Powered platforms for exterior building maintenance.

(a) *Scope.* This section covers powered equipment installations that are provided for buildings where exterior building maintenance is to be performed at heights in excess of 35 feet (10.1m) above a grade, street, floor or roof level. This building maintenance

includes, but is not limited to, such tasks as window cleaning, caulking, metal polishing and reglazing.

(b) *Application.* (1) This section applies only to installations permanently dedicated to maintaining a specific structure of group of structures. This section does not apply to installations used in the interiors of buildings which have elevated areas requiring maintenance. Also, this section does not apply to suspended scaffolds (swinging scaffolds) which are covered under Subpart D of this Part, nor to temporary equipment used for construction work covered under Subpart L of 29 CFR Part 1926.

(2) *Existing installations.* Any installation installed prior to the effective date of this standard and meeting the requirements of the relevant standard or applicable variance or program directive at the time of installation need not be modified nor altered to conform to the requirements of paragraphs (e) and (f) of this section.

(3) *New installation.* This section applies to all installations installed on any building subsequent to six months from the effective date of this standard.

(c) *Assurance.* When the owner of the installation is not the employer, before permitting employees to use the installation, the employer shall obtain a certification from the owner of the installation, or the owner's representative, that the installation meets the requirements of paragraphs (e), (f), (g) and (h) of this section. In addition to this certification, prior to each use, the employer shall conduct a visual examination of the installation for deficiencies, as required by paragraph (g)(2)(iii).

(d) *Definitions.* (1) "Anemometer" means an instrument for measuring wind velocity.

(2) "Angulated Roping" means a suspension method where the upper point of suspension is inboard from the attachments on the suspended unit, thus causing the suspended unit to bear against the face of the building.

(3) "Babbitted fastenings" means the method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

(4) "Brake (primary)" means a brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

(5) "Brake (secondary)" means a brake designed to prevent the descent of the suspended or supported equipment in the event of an overspeed condition or abnormal condition.

(6) "Building maintenance" means exterior operations such window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

(7) "Cable" means a conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to supply electrical power and/or control current for equipment or to provide voice communication circuits.

(8) "Cable (combination)" means a cable having both steel structural members for support of the platform, and copper or other electrical conductors insulated from each other and the structural members by nonconductive barriers.

(9) "Cable (traveling)" means a cable containing electrical power, control, and/or communication conductors from the power or communication source to a platform, or between the source and a carriage.

(10) "Carriage" means a wheeled cehicle used for the horizontal movement and support of equipment.

(11) "Catalog strength" means the rated strength of any product or material, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

(12) "Certification" means a written, signed and dated statement declaring a thing true.

(13) "Continuous pressure" means the requirement for a constant manual actuation of an operating control or device.

(14) "Control" means a mechanism used to regulate or guide the operation of the equipment.

(15) "Davit" means a device, used singly or in pairs, for supporting a powered platform at work, storage and rigging locations on the building being serviced, and for transferring the platform between these locations.

(16) "Equipment tie-ins" means a positive type connection used to secure a working platform or suspension rope to the building.

(17) "Equipment (supported)" means building maintenance equipment that is held or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

(18) "Equipment (suspended)" means building maintenance equipment that is suspended or moved to its working position by means of ropes or combination cables attached to some anchorage above the equipment.

(19) "Equipment (transportable)" means ground-rigged powered platforms that are brought to a building site within the scope and application of this standard for the purpose of maintenance.

(20) "Equivalent" means alternative designs, materials, or methods which the employer can demonstrate will provide an equal or greater degree of safety for employees than the method or item specified in the standard.

(21) "Ground rigging" means a method of suspending a self-powered working platform from a safe surface to a point os suspension above the safe surface.

(22) "Guide shoe" means a device attached to the platform designed to provide a sliding contact between the platform and the building guides.

(23) "Hoist (multiple wrap drum)" means a type of hoisting machine that accumulates the suspension wire rope in more than one successive layer on the surface of the hoisting drum.

(24) "Hoist (single wrap drum)" means a type of hoisting machine that accumulates the suspension wire rope in a single layer on the surface of the hoisting drum.

(25) "Hoist (traction drum)" means a type of hoisting machine that does not accumulate the suspension wire rope, but is designed to raise and lower a suspended load by the application of friction forces between the suspension wire rope and the hoisting drum.

(26) "Hoist (winding drum)" means a type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

(27) "Hoisting machine" means a device intended to raise and lower a suspended or supported unit.

(28) "Installation" means the total affected parts of a building and the equipment associated with the operation of exterior building maintenance.

(29) "Interlock" means a device designed to ensure that operations or motions occur in proper sequence.

(30) "Intermittent stabilization" means a method of platform stabilization in which the suspension wire rope(s) are secured to vertically spaced building anchors.

(31) "Lanyard" means a flexible line or strap webbing which is used to secure a body belt or body harness to a lifeline or a fixed anchorage.

(32) "Lifeline" means an independent line from a fixed anchorage or between two fixed anchorages to which the lanyard or the deceleration device of the body belt or body harness is secured.

(33) "Live load (static)" means the total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

(34) "Obstruction detector" means a device that will stop the suspended or supported unit in the direction of travel

if an obstruction is encountered, and will allow the unit to move only in a direction away from the obstruction.

(35) "Operating device" means a device actuated manually to activate a control.

(36) "Outrigger" means a device, used singly or in pairs, for supporting a powered platform at work locations on the building face, and which cannot be used to transfer the platform from a work location to a storage location.

(37) "Platform (working)" means suspended or supported equipment arranged to provide access to the face of a building by persons engaged in exterior building maintenance.

(38) "Platform (roof powered)" means a working platform where the means of raising or lowering the platform is located at an elevation or location other than on the platform.

(39) "Platform (self-powered)" means a working platform where the means of raising or lowering the platform is located on the platform.

(40) "Prime mover" means the source of mechanical power for a machine.

(41) "Qualified person" means a person with specific training and experience in the use, service, and repair of the specific equipment.

(42) "Rated load" means the maximum allowable static load imposed on a hoist, as assigned by the manufacturer. This load includes the static weight of the suspended or supported unit, plus the weight of the live load (static) imposed on the unit.

(43) "Registered Professional Engineer" means a person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

(44) "Roller (building face)" means a rotating cylindrical member designed to ride on the face of the building wall to prevent the platform from abrading the face of the building and to assist in stabilizing the platform.

(45) "Roller (guide)" means a rotating cylindrical member operating separately or as part of a guide assembly designed to provide continuous engagement between the platform and the building guides or guideways.

(46) "Rope" means the means used to suspend a component of an equipment installation, i.e., wire rope.

(47) "Safe surface" means a horizontal surface intended to be occupied by personnel, which is so protected that it can be reasonably assured that said occupants will be protected against injury.

(48) "Speed reducer" means a positive type speed reducing machine.

(49) "Stability factor" means the ratio of the stabilizing moment to the overturning moment.

(50) "Stabilizer tie" means a flexible line connecting the building anchor and the suspension wire rope supporting the platform.

(51) "Supported equipment" means any building maintenance equipment that is held or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

(52) "Suspended scaffold (swinging scaffold)" means a scaffold supported on wire or other ropes, used for work on, or for providing access to, vertical sides of structures on a temporary basis. This scaffold is of general design, and is not made for use on a specific structure or group of structures.

(53) "Tail line" means the nonsupporting end of a suspension wire rope.

(54) "Tie-in-device" means the portion of a suspended unit that positively engages the building tie-in-guides, such as a guide roller.

(55) "Tie-in-guides" means the portion of a building that provides continuous positive engagement between the building and a suspended unit during its vertical travel on the face of the building.

(56) "Transportable outriggers" means outriggers designed to be moved from one work location to another location.

(57) "Trolley system" means a track-mounted carriage suspended from an overhead structure.

(58) "Verify" means accepted by design, evaluation, or inspection by a registered professional engineer.

(59) "Weatherproof" means equipment or component protection that is so constructed that exposure to adverse weather conditions will not affect or interfere with the proper use or functions of the equipment or component.

(60) "Wrap" means on complete turn of the suspension wire rope around the surface of a hoist drum.

(e) *Building.* (1) *General requirements.* The following requirements apply to buildings which utilize working platforms for exterior building maintenance:

(i) Equipment, structural supports, tie-downs and/or anchoring devices included in the installation shall be designed by or under the direction of a Registered Professional Engineer experienced in such design;

(ii) Exterior installations shall be capable of withstanding prevailing climatic conditions;

(iii) The building installation shall provide for safe access to, and egress from, the equipment and areas for use for maintenance of the equipment;

(iv) The building installation shall have the capability of sustaining all the loads imposed on the building by the equipment; and

(v) The building installation shall allow for the safe use and operation of the equipment.

(2) *Tie-in-guides.* (i) The exterior of each building shall be provided with tie-in-guides to provide a continuous means of engagement between the suspended or supported portion of the equipment and the building during the full vertical travel of the equipment on the face of the building being serviced.

Note.—See Figure I in Appendix B of this section for a typical continuous stabilization system.

(ii) Continuous tie-in guides required in (e)(2)(i) may be eliminated, if infeasible due to exterior building design, for not more than 50 feet (15.3 m) of the uppermost elevation of the building. When angulated roping is employed, the allowable unguided distance may be increased to 75 feet (22.9 m) of the uppermost elevation of the building, provided continuous contact is maintained by the platform with the building face under all conditions of loading.

(iii) Continuous tie-in guides may be eliminated on the exterior of buildings when one of the guide systems in paragraphs (e)(2)(iii)(B) or (e)(2)(iii)(C) of this section or an equivalent guide system is provided.

(A) Continuous tie-in guides may be eliminated if an intermittent stabilization system is provided. The system shall limit the lateral static displacement of the suspended equipment to 14 inches (355.6 mm) in either direction during steady winds of 40 miles per hour (64.3 km/hr) velocity parallel to the building. The system shall keep the equipment in constant contact with the building facade.

(*1*) The maximum vertical interval between building anchors shall be 50 feet (15.3 m).

(*2*) Building anchors shall be located in vertical rows on the building face and spaced horizontally to allow a stabilizer tie attachment for each of the platform suspension ropes.

(*3*) Building anchors shall be easily visible to employees and shall be located in a symmetrical mode about the platform, and shall be located either both inside or both outside the suspension wire ropes.

(*4*) Intermittent stabilization systems may be used together with continuous building guide systems on the same

building, provided the requirements in this standard for each system are met.

(5) The intermittent stabilization system components shall be capable of supporting without failure, at least four times the maximum intended load applied or transmitted to the components.

(6) Intermittent stabilization systems shall not be used on ground-rigged platforms.

Note.—See paragraph (f)(5)(v) of this section for relevant equipment provisions.

Note.—See Figure II in Appendix B of this section for a typical intermittent stabilization system.

(B) Continuous tie-in guides may be eliminated if a button guide stabilization system is provided. Two guide bars shall be mounted on the platform and shall provide constant contact with the building facade.

(1) Building anchors (buttons) shall be located in vertical rows on the building face and spaced horizontally to allow engagement of each of the guide bars mounted on the platform.

(2) Two building anchors (buttons) shall engage each guide bar at all times.

(3) The button guide stabilization system components shall be capable of supporting without failure, at least four times the maximum intended load applied or transmitted to the system's components.

Note.—See Paragraph (f)(5)(vi) of this section for relevant equipment provisions.

Note.—See Figure III in Appendix B of this section for typical button guide stabilization system.

(C) Continuous tie-in gides may be eliminated if the equipment installation utilizes angulated roping and building face rollers; limits the lateral static displacement of the suspected equipment to 14 inches (355.6 mm) in either direction during steady winds of 40 miles per hour (64.3 km/hr) velocity parallel to the building; and keeps the equipment in constant contact with the building facade. This system is acceptable only where the use of the suspended portion of the equipment does not exceed 130 feet (39.6 m) above a safe surface or ground level.

(D) [Reserved]

(3) *Roof guarding.* Employees performing exterior building maintenance on roofs shall be protected by a roof perimeter guard system which meets the requirements of Subpart D of this Part.

(4) *Equipment stops.* Operational areas for trackless type equipment shall be provided with structural stops, such as curbs, to prevent the equipment from traveling or being positioned outside of its intended travel areas.

(5) *Maintenance access.* Means shall be provided to traverse all carriage supported equipment to a safe area of maintenance and storage. This area shall be secured to prevent access by unauthorized personnel.

(6) *Elevated track.* (i) An elevated track system which is located four feet (1.2 m) or more above a safe surface, and traversed by carriage supported equipment, shall be provided with a walk way and guardrail system or:

(ii) The working platform shall be capable of being lowered, as part of its normal operation, to the lower safe surface for access and egress of the personnel; and

(iii) The working platform shall be provided with a safe means of egress to the lower safe surface.

(7) *Tie-down anchors.* Imbedded tie-down anchors, when used, shall be of noncorrosive metal.

(8) *Cable stabilization.* (i) Where the vertical travel of the working platform exceeds 200 feet (61 m), means shall be provided to stabilize hanging lifelines and all cables not in tension to restrict their displacement by wind or any other force.

(ii) Means of stabilization of handing lifelines and all cables shall be provided for each 200 feet (61 m) interval of vertical travel of the working platform beyond the intital 200 foot (61 m) distance.

(iii) Hanging cables, other than suspended wire ropes, which are in constant tension shall be stabilized when the vertical travel exceeds 600 feet (183 m) and at intervals of 600 feet (183 m) or less.

(9) *Emergency planning.* An emergency action plan shall be developed and implemented for all provided platform operations. This plan shall prescribe the emergency procedures which are to be followed in the event of a power failure, equipment failure or other emergencies which may be encountered. The plan shall meet the requirements of § 1910.38(a) of this Part except that the plan may be communicated orally to employees and the employer need not maintain a written plan.

(10) *Building maintenance.* Repairs or major maintenance of those building portions that provide primary support for the suspended equipment shall not affect the capability of the building to meet the requirements of this standard.

(11) *Electrical requirements.* The following electrical requirements apply to buildings which utilize powered platforms for exterior building maintenance:

(i) General building electrical design shall comply with Sections 1910.302 through 1910.308 of this Part unless otherwise specified in this paragraph.

(ii) Building electrical wiring shall be of such capacity that when full load is applied to the circuit not more than a five percent voltage drop from nominal equipment requirements shall occur at each building outlet.

(iii) The equipment power circuit shall be an independent electrical circuit that shall remain separate from all other equipment within or on the building, other than hand tools that will be used in conjunction with the equipment. If the building is provided with an emergency power system, the equipment circuit may also be connected to this system.

(iv) The power circuit shall be provided with a disconnect switch that can be locked in the "off" position. The switch shall be conveniently located with respect to the primary operating area of the equipment to allow the operators of the equipment access to the switch.

(v) An effective two-way voice communication system shall be provided between the equipment operators and persons stationed within the building being serviced. The communication facility shall be operable and shall be manned at all times by persons stationed within the building when the platform is being used.

(vi) Where carriages are used, electrical service receptacles shall not be located on the parapet side of the machine.

(f) *Equipment.* (1) *General requirements.* The following requirements apply to equipment utilized for exterior building maintenance:

(i) Equipment shall be desinged by or under the direction of a Registered Professional Engineer experienced in such design;

(ii) The design shall provide for a minimum live load of 250 pounds (11.2 kg) for each occupant of a suspended or supported platform;

(iii) Those parts of the equipment and installation that are exposed to the wind when not in service shall be designed for wind forces of at least 75 miles per hour (33.5 m/s) at 30 feet (9.2 m) above grade; and

(iv) All parts of the equipment and installation exposed to wind during operation shall be designed for wind forces of at leasts 60 mph (26.9 m/s) for all elevations.

(2) *Construction requirements.* Bolted connections shall be self-locking or shall be otherwise secured to prevent loosening by vibration.

(3) *Suspension methods.* Equipment shall be suspended by either a carriage.

a trolley system, outriggers, davits or an equivalent method.

(i) *Carriage.* A carriage may be used as a method of suspension regardless of the elevation of the point of suspension or support, whenever it is necessary to traverse the suspended or supported portion of the equipment horizontally to a working or storage location, or when access to or egress from the equipment must be at the approximate elevation of the point of suspension.

(A) The horizontal movement of a carriage shall be controlled so as to ensure its safe movement and the accurate positioning of the platform for vertical travel or storage.

(B) Powered carriages shall not exceed a traversing speed of 50 feet per minute (0.3m/s).

(C) Manually propelled carriages shall not require a horizontal force in excess of 100 pounds per person (444.8 n) to initiate a traversing movement.

(D) Structural stops and curbs shall be provided to prevent the traversing of the carriage beyond its designated limits of travel.

(E) Traversing controls for a powered roof carriage shall be of a continuous pressure weatherproof type. Multiple controls when provided shall be arranged to permit operation from only one control station at a time.

(F) The operating control(s) shall be so connected that in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing, and is free of contact with the face of the building or building guides. In addition, all protective devices and interlocks are to be in the proper position to allow traversing of the carriage.

(G) The carriage system's stability shall be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support.

(*1*) The stability factor against overturning shall be not less than two, including the effects of impact, for horizontal traversing of the carriage.

(*2*) The stability factor against overturning shall be not less than four for the carriage during the operation of the system.

(H) An overload protection shall be provided in the hoisting or suspension system to protect against the equipment operating in the up direction with a load in excess of 150 percent of the rated load.

(I) An automatically applied braking or locking system shall be provided that will prevent unintentional traversing of power traversed carriages.

(J) A manual or automatic braking or locking system shall be provided to prevent unintentional traversing of manually propelled carriages.

(K) A means to lock out the power supply for the carriage shall be provided.

(L) Safe access to and egress from the carriage shall be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage shall be protected by a guardrail system in compliance with the provisions of paragraph (f)(5)(i)(F) of this section. Any access gate shall be self-closing and self-latching, or provided with an interlock.

(M) Each carriage work station position shall be identified by location markings and/or position indicators.

(ii) *Trolley system.* A track mounted trolley system, supported from an overhead structure, may be used as a method of suspension, if the installation complies with the requirements of this section and with the following specific requirements:

(A) A maintenance area shall be provided to permit safe access to the trolley(s); and

(B) Means shall be provided to prevent the equipment from unintentionally traversing in a horizontal direction.

(iii) *Transportable outriggers.* (A) Transportable outriggers may be used as a method of suspension for ground-rigged working platforms where the point of suspension does not exceed 130 feet (39.6 m) above a safe surface. If the point of suspension exceeds 130 feet (39.6 m), continuous means of engagement shall be provided for the platform on the face of the building, with a maximum use limited to 300 feet (91.5 m).

(B) Transportable outriggers shall be used only with self-powered, ground-rigged working platforms. Platforms shall be disengaged from the outriggers after each day's use, or the power supply within the building shall be disconnected from the equipment.

(C) Each transportable outrigger shall be secured with a tie-down to a verified anchorage on the building during the entire period of its use. The anchorage shall provide a stability factor of not less than four against overturning or upsetting of the outrigger.

(D) Access to and egress from the working platform shall be from and to a safe surface below the point of suspension.

(E) Each transportable outrigger shall be designed for lateral stability to prevent roll-over in the event an accidental lateral load is applied to the outrigger.

(F) Each transportable outrigger shall be designed to support an ultimate load of not less than four times the rated capacity of the hoist.

(G) Each transportable outrigger shall be so located that the suspension wire ropes for two point suspended working platforms are hung parallel.

(iv) *Davits.* (A) Installations consisting of rotatable or nonrotatable davits, either of the fixed location type or of the transportable type, are acceptable means of supporting a working platform.

(B) Each davit installation shall be designed and installed to insure that it has a stability factor against overturning of not less than four.

(C) The following requirements apply to davit installations where the working platform can be raised above the building face being serviced for storage, rigging and for access to or egress from the working platform:

(*1*) Access to and egress from the working platform shall be at a guarded area at the elevation of the davit supports; and

(*2*) The working platform shall be provided with wheels, casters or a carriage for traversing horizontally to work stations or storage positions.

(D) The following requirements apply to davit installations where the working platform cannot be raised above the building face being serviced for storage, rigging, and for access to or egress from the working platform:

(*1*) The point of suspension shall not be more than 130 feet (39.6 m) above a safe horizontal surface, unless a continuous means of engagement is provided for the working platform on the face of the building, with a maximum rise limited to 300 feet (91.5 m);

(*2*) Access and egress from the working platform shall only be from a safe horizontal surface below the point of suspension.

(E) The following requirements shall apply to davit installations where the davits are rotatable:

(*1*) The davit(s) shall be provided with a locking device to prevent the davit from rotating more than 10 degrees when the davit is in its working and/or storage position; and

(*2*) A davit shall not require a horizontal force in excess of 100 pounds (444.8 n) per person to initiate a rotating movement.

(F) The following requirements shall apply to transportable davits:

(*1*) A davit weighing more than 75 pounds (34 kg) shall be provided with a means for its transport;

(*2*) A davit shall be provided with a pivoting socket or base that will allow

the insertion or removal of a davit at a position of more than 35 degrees above the horizontal, with the complete davit inboard of the building face being serviced; and

(*3*) Means shall be provided to lock the davit to its socket or base before it is used to suspend the platform.

(*4*) *Hoisting machine.* (i) All installations where a suspended or supported portion of the equipment is required to be raised or lowered shall be provided with a hoisting machine.

(ii) Each hoisting machine shall require the use of an acceptable power source, and shall be capable of preventing any overspeed descent of the load.

(A) Acceptable power sources for hoisting machines are air, electricity and hydraulic.

(B) Gasoline engines shall not be used as a prime mover for any hoisting machine, or placed on any working platform.

(iii) Each hoisting machine shall be provided with a power source sufficient to raise and lower 125 percent of the hoisting machine's rated load.

(iv) Speed reducers in hoisting machines shall be of a positive type. Friction type speed reducers shall not be used with any hoist.

(v) Moving parts of a hoisting machine shall be enclosed or guarded in compliance with § 1910.219 of this Part.

(vi) Hoisting drums and sheaves used in conjunction with hoisting machines shall be compatible for use with the required rope size.

(vii) Each winding drum shall be provided with a positive means of attaching the wire rope to the drum. The attachment shall be capable of developing at least four times the rated capacity of the hoist.

(viii) Each traction drum or sheave hoist shall be constructed to depend on a continuous radial force from the suspension wire rope to assure reliable friction contact between the rope and the drum or the sheave under all conditions of hoist use.

(ix) Each hoisting machine shall be provided with at least two independent braking systems capable of stopping and holding not less than 125 percent of the rated load of the hoist.

(A) The primary brake shall be directly connected to the drive train of the hoisting machine, and shall not be connected through belts, chains, clutches, or friction type devices.

(B) The secondary brake shall be an automatic emergency type of brake that if actuated during each stopping cycle, shall not engage before the hoist is stopped by the primary brake.

(x) Each component of each hoisting machine shall be provided with a means of lubrication to assure that all moving parts are being lubricated.

(5) *Suspended equipment.* (i) *General requirements.* (A) Each suspended unit component, except suspension ropes and guardrail systems, shall be capable of supporting, without failure, at least four times the maximum intended load applied or transmitted to that component. All components shall be constructed of materials that will withstand anticipated weather conditions.

(B) Each suspended unit shall be provided with a load rating plate, conspicuously located, stating the unit weight and live load rating of the suspended unit.

(C) When the suspension points on a suspended unit are not at the unit ends, the unit shall be capable of remaining continiously stable under all conditions of use.

(D) Guide rollers, guide shoes or building face rollers shall be provided, and shall compensate for normal variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(E) Each working platform of a suspended unit shall be secured to the building facade in one or more of the following methods or an equivalent method.

(*1*) Continuous engagement to building guides as provided in paragraph (e)(2)(i) of this section;

(*2*) Intermittent engagement to building anchors as provided in paragraph (e)(2)(iii)(A) of this section;

(*3*) Button guide engagement as provided in paragraph (e)(2)(iii)(B) of this section; or

(*4*) Angulated roping and building face rollers as provided in paragraph (e)(2)(iii)(C) of this section.

(F) Each working platform of a suspended unit shall be provided with a guard rail system on all sides which shall meet the following requirements:

(*1*) The system shall consist of a top guard rail, midrail, and a four-inch (102 mm) high toeboard;

(*2*) The top guard rail shall be not less than 36 inches (914 mm) high and shall be able to withstand at least a 100 pound (444N) force in any downward or outward direction;

(*3*) The midrail shall be able to withstand at least a 75 pound (333 N) force in any downward or outward direction; and

(*4*) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the mid-rail and toeboard on the inboard side, shall be closed with a material that is capable of withstanding a load of 100 pounds (45.36 kg) applied horizontally over any area of one square foot (.09 m^2). The material shall contain no opening large enough to allow the passage of a ball two inches (51 mm) in diameter.

(ii) *Two point and four point suspended working platforms.* (A) The platform shall be not less than 24 inches (610 mm) wide and shall be provided with a minimum of a 12-inch (305 mm) wide passage at or past any obstruction on the platform.

(B) The flooring shall be of a slip-resistant type and shall contain no opening that would allow the passage of a one-inch (25 mm) diameter ball. Large floor openings are acceptable only if a metal screen capable of rejecting a one-inch (25 mm) diameter ball is placed under the opening.

(C) The working platform shall be provided with a means of suspension that will restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15 degrees from a horizontal plane when moving the live load from the inboard to the outboard side of the platform.

(D) Any power, control, or communication cable suspended from above the platform shall be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(E) All operating controls for the vertical travel of the platform shall be of the continuous-pressure type, and shall be located on the platform.

(F) Every working platform shall be provided with a means of interrupting the power supply at the operating stations on the platform to stop any further powered ascent or descent of the platform.

(G) The maximum rated speed of the platform shall not exceed 50 feet per minute (0.3 m/s) with single speed hoists, nor 75 feet per minute (0.4 m/s) with multi-speed hoists.

(H) Provisions shall be made for securing all tools, water tanks, and other accessories to prevent their movement or accumulation on the floor of the platform.

(I) Portable fire extinguishers confirming to the provisions of §§ 1910.55 and 1910.157 of this Part shall be provided and securely attached on all working platforms.

(J) Access to and egress from a manned work platform, except for those that land directly on a safe surface, shall be provided by stairs, ladders, platforms and runways conforming to the provisions of Subpart D of this Part.

(*1*) Access gates shall be self-closing and self-locking.

(K) Means of access to or egress from a work platform, which are 48 inches (1.2 m) or more above a safe surface, shall be provided with a guardrail system or handrails that are in conformance with the provisions of Subpart D of this Part.

(L) Work platforms containing overhead structures which restrict the egress of the occupants shall be equipped with a secondary wire rope suspension system or be suspended by four wires ropes. The secondary wire rope tail line shall not hang below the platform.

(M) A vertical life line shall be provided, as part of a fall protection system, for each employee on a platform suspended by two or more wire ropes, if the failure of one wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension system is used, vertical life lines are not required for the fall protection system, provided that each employee is attached to a horizontal life line secured to the platform.

(N) An emergency electric operating device shall be provided on roof powered platforms near the hoisting machine for use in the event of failure of the normal operating device located in the working platform, or failure of the traveling cable system. The emergency electric operating device shall be mounted in a locked compartment, and the compartment shall be labeled with instructions for use. A key for unlocking the compartment shall be mounted in a break-glass receptacle located near the emergency electric operating device.

(iii) *Single point suspended working platform.* The requirements of paragraphs (f)(5)(ii) (A) through (K) of this section shall apply to a single point working platform.

(A) Each single point suspended working platform shall be provided with a secondary wire rope, separate from the suspension rope, which will prevent the working platform from falling should there be a failure of the primary means of support, or the platform shall be provided with a separate vertical lifeline for every person on the platform as part of a fall protection system.

(B) A single point suspended working platform containing overhead structures which restrict the engress of the occupants shall be provided with a secondary wire rope suspension system, and an anchorage for a fall protection system for every person on the platform.

(C) During the vertical travel on the face of the building, each single point suspended working platform, shall be continuously engaged to a building guide(s) as provided in paragraphs (e)(2)(i) and (e)(2)(ii) of this section, or intermittently secured as provided in paragraph (e)(2)(iii)(A) of this section.

(iv) *Ground-rigged working platform.* (A) Ground-rigged working platforms shall comply with all the requirements of paragraphs (f)(5)(ii) (A) through (M) of this section.

(B) A ground-rigged working platform shall be secured at the end of each day's use either by disengaging it from suspension points, or securing it to prevent access by unauthorized persons and disconnecting it from the power supply.

(C) Each ground-rigged platform with a rise over 130 feet (39.6 m) shall be continuously engaged to a building guide(s) as provided in paragraphs (e)(2)(i) and (e)(2)(ii) of this section, or secured as provided in paragraph (e)(2)(iii)(B) of this section.

(v) *Intermittently stablized platforms.* (A) Stabilizer ties used on intermittently stabilized platforms shall be adjustable in length, and shall allow for the specific attachment length needed to effect the predetermined angulation of the suspension cables. This specific attachment length shall be maintained at all building anchor locations.

(B) Each stabilizer tie shall be equipped with a "quick connect-quick disconnect" device which cannot be accidentally disengaged, for attachment to the buiding anchor, and shall be resistant to adverse environmental conditions.

(C) Stabilizer ties shall be stored in a platform location which will prevent their entanglement and resulting tripping hazard.

(D) The platform shall be provided with a sensing device that will interrupt its power supply in the event the platform contacts a stabilizer tie during its ascent.

(E) No part of the platform shall extend beyond the building corners.

(F) The platform shall be provided with both upper and lower building face rollers.

(G) The distance encompassed by the extreme ends of the building face rollers on the platform shall not be less than 10 feet (3.0 m).

(H) The platform shall comply with paragraphs (f)(5)(ii) (A) through (M) of this section.

Note.—See Figure II in Appendix B of this section for typical intermittent stabilization system.

(vi) *Button guide stabilized platform.* (A) Each guide bar on the platform shall engage a minimum of two building anchors (buttons) during any vertical travel to the platform.

(B) Each guide bar on a platform that is part of a roof-rigged system shall be provided with a storage position on the platform.

(C) Each guide bar on the platform shall be sufficiently maneuverable by platform occupants to permit easy engagement of the building anchors (buttons), and easy manual movement into and out of its storage position on the platform.

(D) The platform shall comply with paragraphs (f)(5)(ii) (A) through (M) of this section.

Note.— See Figure III in Appendix B of this section for a typical button guide stabilization system.

(vii) [Reserved]

(6) *Supported equipment.* (i) Supported equipment shall maintain a vertical position in respect to the face of the building by means other than friction.

(ii) Cog wheels or other means shall be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes shall be incorporated as may be required to ensure that the drive wheels are continuously held in positive engagement with the building guides. Launch guide mullions indexed to the building guides and retained in alignment with the building guides shall be used to align drive wheels entering the building guides.

(iii) Manned platforms used on supported equipment shall comply with the requirements of paragraphs (f)(5)(ii)(A), (f)(5)(ii)(B), and (f)(5)(ii)(D) through (K) of this section covering suspended equipment.

(7) *Suspension wire ropes and rope connections.* (i) Each specific installation shall use suspension wire ropes and connections meeting the specifications recommended by the hoisting machine manufacturer.

(ii) Each suspension wire rope shall be capable of supporting, without failure, no less than ten times its maximum static load. The calculation of this factor of safety shall use the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F = Factor of safety
S = Manufacturer's catalog strength of one suspension rope
N = Number of suspension ropes under load
W = Maximum static load at any point of travel.

(iii) Suspension wire ropes shall be of improved plow steel or equivalent.

(vi) Suspension wire ropes shall be sized to conform with the required factor of safety, but shall not be less than 5/16 inch (8 mm) in diameter.

(v) More than two reverse bends in each suspension wire rope shall be prohibited.

(vi) *Rope tags.*

(A) A corrosion-resistant tag shall be securely attached to one of the wire rope fastenings when a suspension wire rope is to be used at a specific location and will remain in that location. This data tag shall bear the following wire rope data:

(*1*) The diameter (inches and/or mm);

(*2*) Construction classification;

(*3*) Whether non-preformed or preformed;

(*4*) The grade of material;

(*5*) The manufacture's catalog strength;

(*6*) Name of the manufacturer of the rope;

(*7*) The month and year the ropes were installed; and

(*8*) The name of the person or company which installed the ropes.

(B) A new tag shall be installed at each rope renewal.

(C) The original tag shall be stamped with the date of the resocketing, or the original tag shall be retained and a supplemental tag shall be provided when ropes are resocketed. The supplemental tag shall show the date of resocketing and the name of the person or company that resocketed the rope.

(vii) Winding drum type hoists shall contain at least three wraps of the suspension wire rope of the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(viii) Traction drum and sheave type hoists shall be provided with a wire rope of sufficient length to reach the lowest point of vertical travel of the suspended unit with an excess length of at least four feet (1.2 m) more than that needed for the maximum vertical travel of the unit.

(ix) The lengthening of repairing of suspension wire ropes is prohibited.

(8) *Control circuits and power circuits and their components.* (i) Electrical wiring and equipment shall comply with §§ 1910.302 through 1910.308 of this Part, except as otherwise required by this section.

(ii) Electrical runway conductor systems shall be of a type designed for use in exterior locations, and shall be located so they do not come into contact with accumulated snow or water.

(iii) Traveling cable shall be protected against damage resulting from striking the building or structure, from overtensioning, or from other causes.

(iv) Cables shall be wound on drums designed for that purpose, or shall be placed on manned platforms in a container outside of the working area.

(v) Devices shall be included in the control system for the equipment which will provide protection against electrical overloads, phase reversal and phase failure. The control system shall have a separate method, independent of the direction control circuit, for breaking the power circuit in case of an emergency or malfunction.

(vi) Suspended or supported equipment shall have a control system which will require the operator of the equipment to follow predetermined procedures.

(vii) The following requirements shall apply to electrical protection devices:

(A) Where the installation includes a trackless carriage, electric contact(s) shall be provided and so connected that the operating devices for the suspended or supported equipment shall be operative only when the carriage is located and mechanically retained at an established operating point;

(B) Where the suspended or supported equipment includes a power-operated carriage, the operating device for the carriage shall be inoperative when the carriage is mechanically retained at an established operating point and when the suspended portion of the equipment is not at its uppermost position;

(C) A load limiting device shall be provided to prevent operation of the hoisting motor(s) for travel in the up or down direction in the event the tension in a hoisting rope exceeds 150 percent of its normal tension based on the rated load divided by the number of suspension ropes; and

(D) An automatic detector that will interrupt power to all hoisting motors for travel in the down direction, and will apply the primary brakes if any suspension wire rope becomes slack, shall be provided for each suspension point.

(viii) The following requirements for directional limit switches shall apply to roof powered platforms only:

(A) Upper directional limit switches shall be provided to prevent the travel of a suspended unit beyond the normal upper limit of travel; and

(B) Lower directional limit switches shall be provided if required by the configuration of the building, to prevent the travel of a suspended unit beyond the normal lower limit of travel.

(ix) Emergency stop switches shall be provided on remote controlled, roof powered manned platforms adjacent to each control station on the platform.

(g) *Inspections and tests.* (1) *Installations and alterations.* All building maintenance equipment installations on their completion, and before being placed in service, shall be tested in the field to determine that all parts of the installation conform to applicable requirements of this standard, and that all safety and operating equipment is functioning as required. A similar inspection and test shall be made following any major alteration to an existing installation.

(2) *Periodic inspections and tests.* (i) Related building supporting structures shall undergo periodic inspection by a qualified person at intervals not exceeding 12 months.

(ii) All parts of the equipment including control systems shall be inspected, and where necessary, tested by a qualifed person, at intervals not exceeding 12 months, to determine that they are in safe operating condition. Parts subject to wear, such as wire ropes, bearings, gears, and governors, shall be inspected and/or tested to determine that they have not worn to such an extent as to affect the safe operation of the installation.

(iii) Powered platforms and their components shall be inspected by the employer for visible defects before every use and after each occurrence which could affect the platforms structural integrity.

(3) *Maintenance inspections and tests.* A maintenance inspection and/or test shall be made of each platform installation every 30 days, or before each use if the work cycle is more than 30 days. This inspection and/or test shall follow procedures recommended by the manufacturer, and shall be made by a qualified person. The employer shall certify (in writing) that the inspection and/or test has been conducted.

(4) *Special inspection of governors and secondary brakes.* (i) Governors and secondary brakes shall be inspected and tested at intervals not exceeding 12 months.

(ii) The results of the inspection and test shall confirm that the initiating device for the secondary braking system operates at the proper overspeed.

(iii) The results of the inspection and test shall confirm that the secondary brake is functioning properly.

(iv) If any hoisting machine or initiating device for the secondary brake system is removed from the equipment for testing, all reinstalled and directly related components shall be reinspected prior to returning the equipment installation to service.

(v) Inspection of governors and secondary brakes shall be made by a qualified person.

(5) *Wire rope inspection procedure.* The need for replacement of suspension wire ropes shall be determined by regular inspection and shall be based on the condition of the wire rope inspected. Suspension wire rope that is replaced after inspection in accordance with the conditions listed in Appendix A of this section will be assumed to meet this requirement. A thorough inspection shall be made once a month, or before suspension wire ropes that have been inactive for 30 days or longer are placed into service.

(6) *Hoist inspection.* Before lowering personnel below the top elevation of the building, the hoist shall be tested each day in the lifting diretion with the intended load to make certain it has sufficient capacity to raise the personnel back to the boarding level.

(h) *Maintenance.* (1) *General maintenance.* All parts of the equipment affecting safe operation shall be maintained in proper working order so that they may perform the functions for which they were intended. The equipment shall be taken out of service when it is not in proper working order.

(2) *Cleaning.* (i) Control or power contactors and relays shall be kept clean and free from dirt.

(ii) All other parts shall be kept clean if their proper functioning would be affected by the presence of dirt or other contaminants.

(3) *Periodic resocketing of babbitted fastenings.* (i) Hoisting ropes utilizing babbitted fastenings shall be resocketed at the non-drum ends at intervals not exceeding 24 months. In resocketing the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(ii) Resocketed ropes shall conform to the requirments of paragraph (f)(7) of this section.

(iii) Limit switches affected by the resocketed ropes shall be reset, if necessary.

(4) *Periodic reshackling of suspension wire ropes.* The hoisting ropes shall be reshackled at the nondrum ends at intervals not exceeding 24 months. When reshackling the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(5) *Roof systems.* Roof track systems, tie downs, or similar equipment shall be maintained in proper working order so that they perform the function for which they were intended.

(6) *Building face guiding members.* T-rails, indented mullions, or equivalent guides located in the face of a building shall be maintained in proper working order so that they perform the functions for which they were intended. Brackets for cable stabilizers shall similarly be maintained in proper working order.

(7) *Inoperative safety devices.* No person shall make a required safety device or electrical protective device inoperative, except as may be necessary for tests, inspections, and maintenance. Immediately upon completion of such test, inspections, and maintenance, the device shall be restored to its normal operating condition.

(i) *Operations.* (1) *Training.* (i) Powered platforms shall be operated only by persons who are proficient in the operation, safe use and inspection of the particular powered platform to be operated.

(ii) All employees who operate powered platforms shall be trained in the following:

(A) recognition of, and preventive measures for, the safety hazards associated with their individual work tasks;

(B) general recognition and prevention of safety hazards associated with the use of powered platforms, including the provisions in the section relating to the particular powered platform to be operated.

(C) Emergency action plan procedures required in § 1910.66(e)(9) of this Section.

(iii) Training of employees in the operation and inspection of powered platforms shall be done by a qualified person.

(iv) Written work procedures in the operation, safe use and inspection of powered platforms shall be provided for employee training.

(2) *Use.* (i) Powered platforms shall not be loaded in excess of their maximum intended load ratings.

(ii) Except for hazard removal purposes, employees shall be prohibited from working on snow, ice, or other slippery material covering platforms.

(iii) Platform members, including any wire or synthetic rope, shall be shielded when using a heat producing process or when acids or other corrosive substances are used.

(iv) Work on or from a powered platform is prohibiited when the following conditions are present:

(A) the platform is provided with a continuous tie-in guide or a button guide stabilization system and the wind velocity at the platform level exceeds 40 miles per hour (64.3 km/hr), based on the best available information.

(B) The platform is provided with an intermittent stabilization system or is stabilized as provided in paragraph (e)(2)(iii)(C) of this section, and the wind velocity at the platform level exceeds 25 miles per hour (40.2 km/hr), based on the best available information.

(v) An anemometer shall be provided on the building to give information of on-site wind velocities prior to an during the use of the platform.

(vi) Tools, materials and debris not incidential to the work in progress shall not be allowed to accumulate on platforms.

(j) *Personal fall protection.* Employees on powered platforms shall be protected by a Personal Fall Arrest System meeting the requirements of Appendix D, Section I of this standard, and as otherwise provided by this standard.

Appendix A—Powered Platforms (§ 1910.66)

1. *Use of the Appendix.* Appendix A sets out non-mandatory guidelines which are intended to assist employers in complying with certain requirements of § 1910.66. Examples of specific equipment or methods, where indicated, will be deemed as meeting the requirements of the appropriate provision in the standard. However, employers may use other equipment or procedures which conform to the requirements of the standard.

2. *Tie-in-guides.* Indented mullions, T-rails or other equivalent guides are acceptable as tie-in guides in a building face for a continuous stabilization system. The following are examples of internal and external guides which would be in compliance:

(a) *Internal guides.* These guides are imbedded in other building members with only the opening exposed. The minimum opening is 1 inch (25 mm) and the minimum inside dimensions are 2½ inches deep by 2½ inches wide (64 mm x 64 mm).

Note.—See Figure 1 of Appendix B.

(b) *External guides.* These guides are installed external to the other building members and so are fully exposed. They are large enough to allow free passage for at least one guide roller on the platform of 1¼ inches (32 mm) in diameter.

Employers should be aware of the hazards associated with tie-in guides in a continuous stabilization system. For example, joints in these track systems may become extended or discontinuous due to installation or building settlement. If this alignment problem is not corrected, the system could jam when a guide roller or guide shoe strikes such a joint. If this occurs at a high speed of vertical travel, a hazardous situation could occur for employees.

3. *Lateral static displacement (intermittent stabilization system).* In an intermittent stabilization system, a number of variables can affect platform stability. OSHA has selected the lateral static displacement of the platform as the key performance variable which must be met by an employer. Since only one performance variable must be met in the development of an intermittent stablilization system, the responsible engineer has maximum flexibility in the selection of other variables in the system. The relationships of these variables are illustrated in the tables of Appendix C and are identified below:

A=Projected area of the end members of the platform (square feet)
D=Angulation distance (inches)
H=Length of stabilizer tie (inches)
K=Friction factor of building face
L=Vertical interval between stabilizer ties (feet)
N=The number of stabilizer ties from the roof of the building
S=Lateral static displacement (inches)
V=Wind velocity in a direction parallel to the building face (miles/hour)
W=Dead and live load (pounds)

The stabilization tables (Table 1–Table 24) are provided in Appendix C to aid persons responsible for meeting the performance criteria for lateral static displacement. The following is an illustration of how Table 1 could be used to obtain the laterial displacement of a powered platform when the related variables of the system are known:

If:

W=1000 lbs.
A=5 sq. ft.
D=2 in.
L=30 ft.
K=0.3
H=12 in.
N=1
V=25 miles/hr.

Then S (Lateral Static Displacement)=2.28 in.

4. *Building anchors (intermittent stabilization system).* In the selection of the vertical distance between building anchors (under 50 feet), certain factors should be given consideration. These factors include building height and architectural design, platform length and weight, wire rope angulation, and the wind velocities in the building area. Another factor to consider is the material of the building face, since this material may be adversely affected by the building rollers.

External or indented type building anchors are acceptable. Receptacles in the building facade used for the indented type should be kept clear of extraneous materials which will hinder their use. During the inspection of the platform installation, evidence of failure or abuse of the anchors should be brought to the attention of the employer.

5. *Stabilizer ties (intermittent stabilization system).* The attachment length of a stabilizer tie is an important factor in maintaining platform stability in an intermittent stabilization system. One method of meeting the attachment length criteria at each building anchor is to mark the proper length on each stabilizer tie. Employees could then use this mark as a guide when securing the stabilizer tie between a suspension wire rope and a building anchor. The attachment length may vary due to material elongation and this should be considered when selecting the material to be used.

Since it is very important in an intermittent stabilization system that a stabilizer tie be attached to each building anchor on the building face, it is recommended that additional stabilizer ties be kept on the platform for replacement of broken or deteriorated ties.

6. *Intermittent stabilization system.* Intermittent stabilization systems may use different equipment tie-in devices and methods to restrict the horizontal movement of a powered platform in respect to the face of a building.

One acceptable method employs stainless steel building anchors (shoulder bolts) secured in the face of the building in vertical rows every third floor (approximately 40 feet). The anchor bolts are spaced horizontally to allow a stabilization attachment (stabilizer tie) for each of the two platform suspension wire ropes. The stabilizer tie consists of two parts. One part is a quick connect-quick disconnect device which utilizes a stainless steel yoke and retainer spring, that is designed to fit over the building anchor shoulder bolts. The second part of the stabilizer tie is an adjustable lanyard made of galvanized wire rope which is used to maintain a fixed distance between the suspension wire rope and the face of the building.

In this method, as the suspended power platform descends past the elevation of each building anchor, the descent is halted and each of the platform occupants secures a stabilizer tie between a suspension wire rope and a building anchor.

Note.—See Figure 1.

The adjustable lanyard of the stabilizer tie allows for positioning of each suspension wire rope vertically parallel to the face of the building. The procedure is repeated as each elevation of a building anchor is reached during the descent of the powered platform.

As the platform ascends, the procedure is reversed, that is, the stabilizer ties are removed as each elevation of a building anchor is reached. The removal of each stabilizer tie is assured since the platform is provided with sensing devices which will interrupt power to its hoist(s) in the event either sensing device contacts a stabilizer during the ascent of the platform.

Figure 2 of Appendix B illustrates another type of acceptable intermittent stabilization system which utilizes ball-lock pins as the quick connect-quick disconnect device in the stabilizer tie.

7. *Wire rope inspection.* The inspection of the suspension wire rope is important since the rope gradually loses strength during its useful life. The purpose of the inspection is to determine whether the wire rope has sufficient integrity to support a platform with the desired factor of safety before the next inspection is performed.

Any of the following conditions, or combination of conditions should be considered to constitute sufficient reason for the removal of the wire rope from service:

a. Broken wires exceeding the number listed in Table 1;

b. Distortion of rope structure such as would result from crushing of kinking;

c. Evidence of heat damage;

d. Reduction from the original diameter of the wire rope by more than $\frac{1}{64}$ inch (0.397 mm) for $\frac{5}{16}$ inch (8 mm) diameter rope, $\frac{1}{32}$ inch (0.794 mm) for $\frac{3}{8}$ inch (9.5 mm) to and including $\frac{1}{2}$ inch (13 mm) diameter ropes, and $\frac{3}{64}$ inch (1.9 mm) for $\frac{7}{16}$ inch (14 mm) to and including $\frac{3}{4}$ inch (19 mm) diameter ropes;

e. Evidence of rope deterioration from corrosion;

f. Noticeable rusting, corrosion, pitting, or more than two broken wires in the vicinity of end attachments;

g. Evidence of core failure (a lengthening of rope lay and a reduction in rope diameter suggests core failure); or

h. More than one valley break (broken wire). A wire break in the valleys between strands indicates an abnormal condition, possibly fatigue and breakage of other wires not visible.

TABLE 1.—MAXIMUM NUMBER OF BROKEN WIRES

Rope type classification	In one strand of one rope lay	In one rope lay
6×19 or 8×19	3	6
6×37	4	8

8. *General Maintenance.* In meeting the general maintenance requirement, the employer should consider the prompt replacement of broken, worn or damaged parts, switch contacts, brushes, and short flexible conductors of electrical devices. The components of the electrical service system and traveling cables should be replaced when damaged or significantly abraided. In addition, gears, shafts, bearings, brakes and hoisting drums should be kept in proper alignment.

9. *Training.* In meeting the training requirement, employers should consider the use of on the job training and formal classroom training. The written work procedures used for this training should be obtained from the manufacturer, if possible, or prepared as necessary for the employee's information and use.

For employees who will operate powered platforms with intermittent stabilization systems, it is necessary that they receive instruction in the specific ascent and descent procedures involving the assembly and disassembly of the stabilizer ties.

An acceptable training program should also include employee instruction in basic inspection procedures for the purpose of determining the need for repair and replacement of platform equipment. In addition, the program should include instruction in the inspection, care and use of the personal fall protection equipment required in paragraph (j)(1) of the standard.

An acceptable training program should also include employee instruction in emergency action plan elements. The elements of such a plan are listed in the Appendix of Subpart E of this Part.

Following the completion of a training program, it is advisable that the employee be prohibited from using a platform until he or she has demonstrated competency in operating the equipment safely. Supplemental training of the employee should be provided by the employer, as necessary, if the equipment used or other working conditions should change.

An employee who is required to work with chemical products on a platform should receive training in proper cleaning procedures, and in the hazards, care and

handling of these products. In addition, the employee should be supplied with the appropriate personal protection equipment, such as gloves and eye and face protection.

10. *Suspension and Securing of Powered Platforms.* One acceptable method of demonstrating the equivalency of a method of suspending or securing a powered platform, as required in paragraphs (e)(2)(iii), (f)(3) and (f)(5)(i)(E), is to provide an engineering analysis by a registered professional engineer. The analysis should demonstrate that the proposed method will provide an equal or greater degree of safety for employees than any one of the methods specified in the standard.

Appendix B—Powered Platforms (§ 1910.66)

The three drawings in Appendix B illustrate typical platform stabilization systems which are addressed in the standard. The drawings are to be used for reference purposes only, and do not illustrate all the mandatory requirements for each system.

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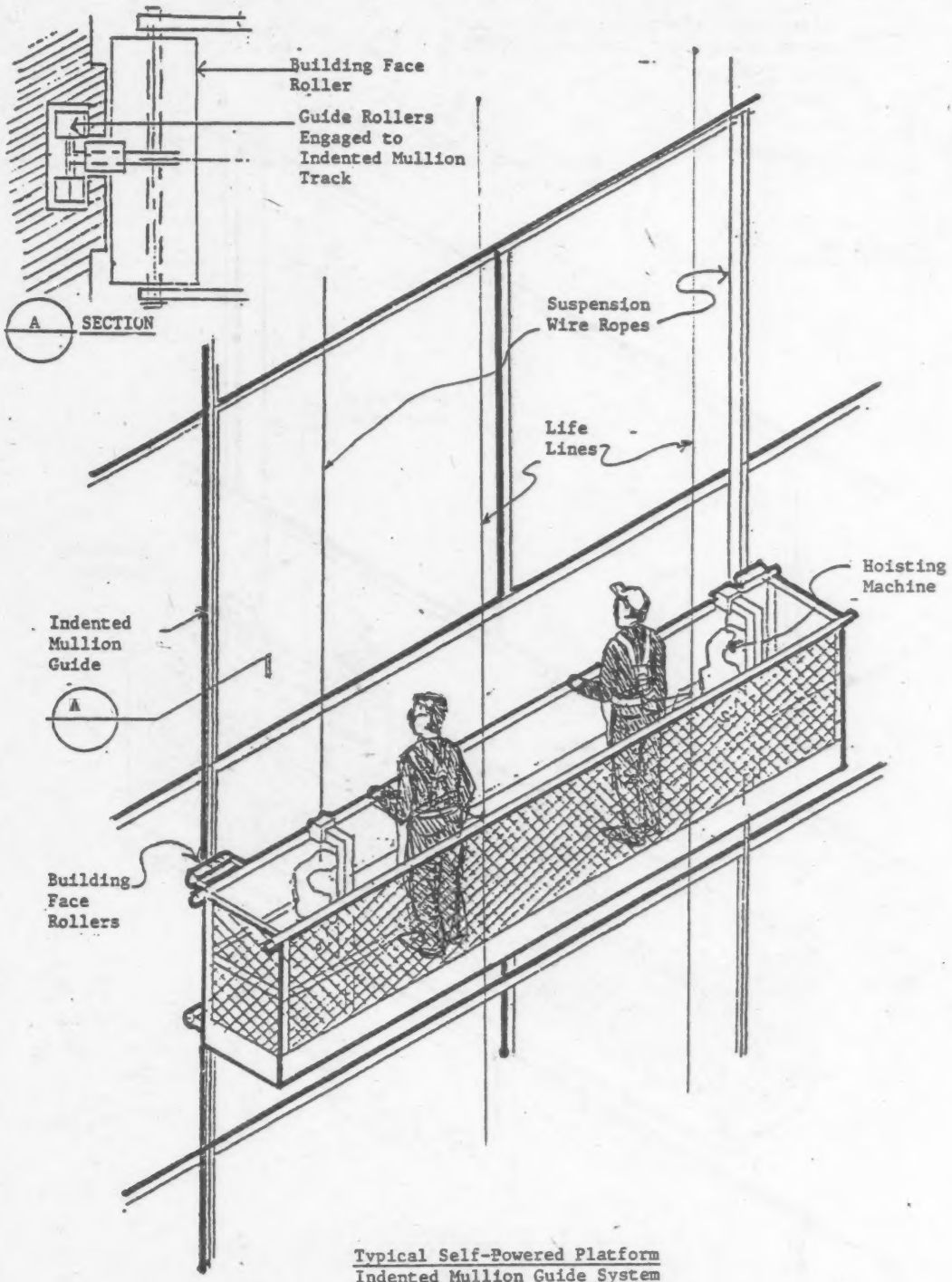
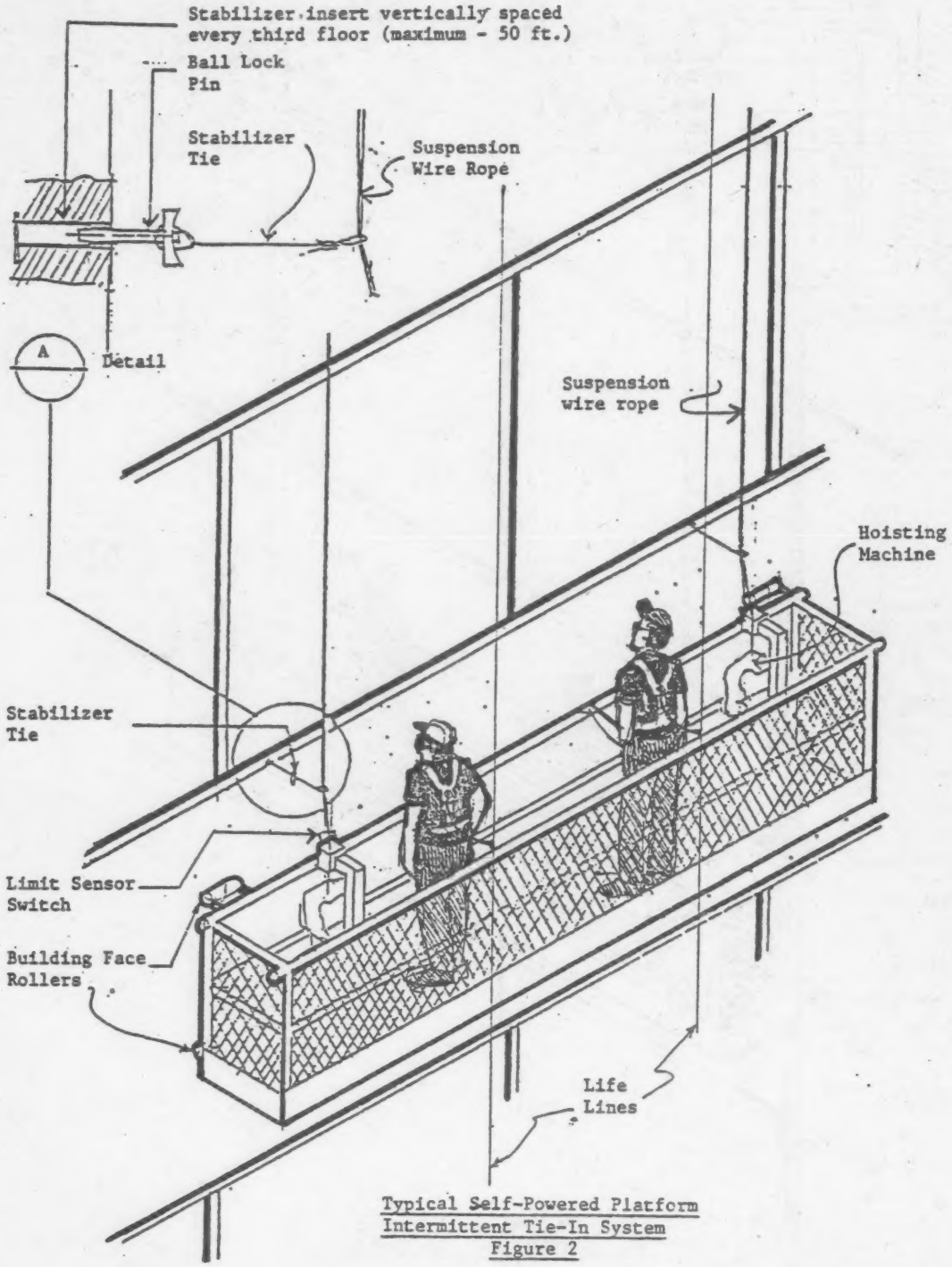
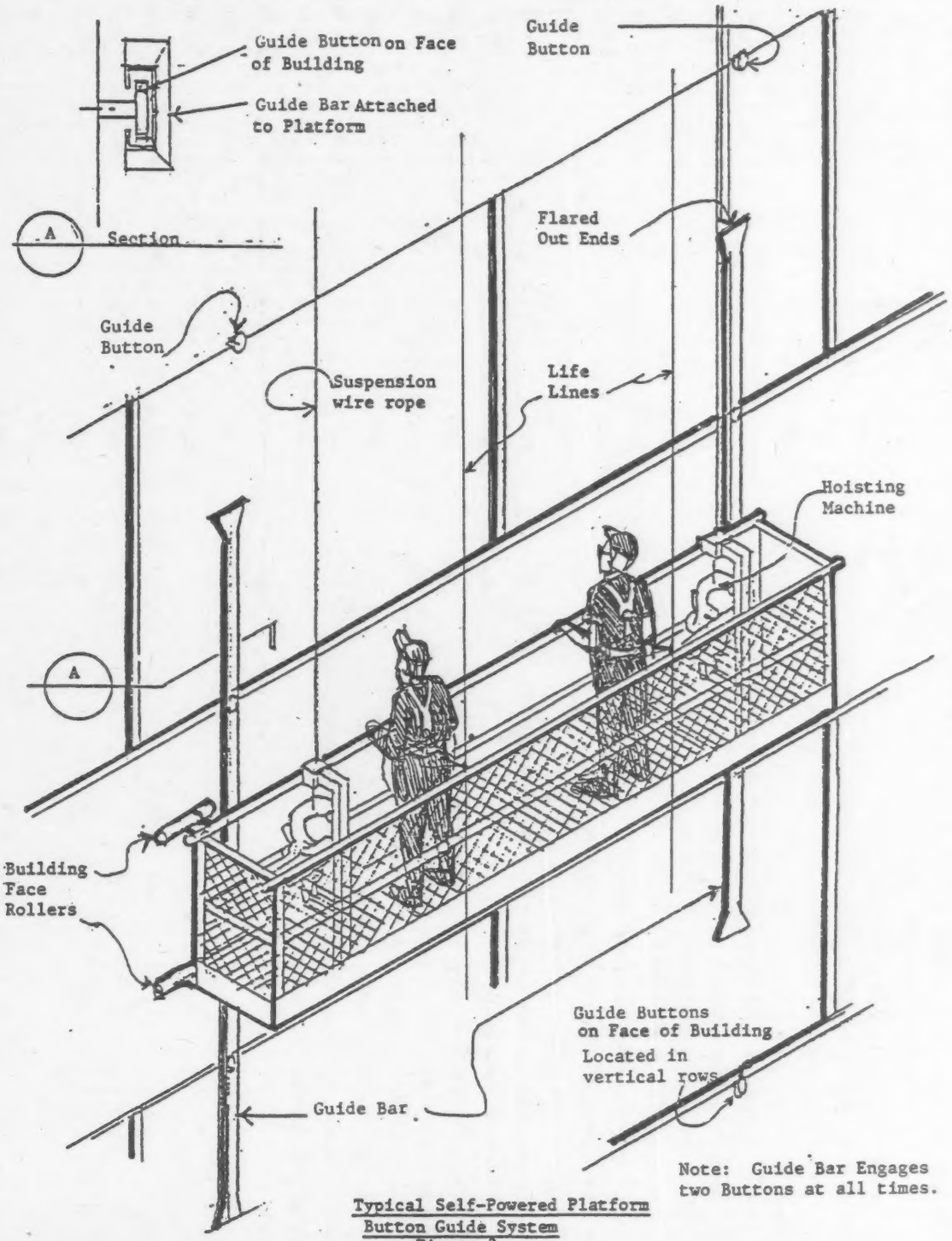


Typical Self-Powered Platform
Indented Mullion Guide System
Figure 1



Typical Self-Powered Platform
Intermittent Tie-In System
Figure 2



Typical Self-Powered Platform
Button Guide System
Figure 3

APPENDIX C - POWERED PLATFORMS (§1910.66)

The 24 tables in Appendix C provide data on the lateral displacement of a suspended powered platform utilizing an intermittent tie-in system. The tables are provided to aid in the development of intermittent stabilization systems, but the use of the tables is not mandatory. The variables in these tables are identified below:

A = projected area of the end members of the platform (square feet)

D = angulation distance (inches)

H = length of stabilizer tie (inches)

K = friction factor of building face

L = vertical interval between stabilizer ties (feet)

N = the number of stabilizer ties from the roof of the building

S = lateral static displacement (inches)

V = wind velocity in a direction parallel to the building face (miles/hour)

W = dead and live load (pounds)

For practical reasons, a number of variables remain constant in each of the 24 tables. These variables include the wind velocity (V), the number of stabilizer ties from the roof of the building (N), the length of the stabilizer tie (H) and the friction factor of the building face (K). The remaining variables are changed in the tables and illustrate the resulting change in the lateral static displacement of the platform with each change in a variable.

The variable changes for each of the 24 tables are shown below:

	Variable			
Table	W	A	D	L
1	1000	5	2	30
2	1000	5	2	40
3	1000	5	2	50
4	1000	5	4	30
5	1000	5	4	40
6	1000	5	4	50
7	1000	7	2	30
8	1000	7	2	40
9	1000	7	2	50
10	1000	7	4	30
11	1000	7	4	40
12	1000	7	4	50
13	2000	5	2	30
14	2000	5	2	40
15	2000	5	2	50
16	2000	5	4	30
17	2000	5	4	40
18	2000	5	4	50
19	2000	7	2	30
20	2000	7	2	40
21	2000	7	2	50
22	2000	7	4	30
23	2000	7	4	40
24	2000	7	4	50

TABLE 1

W=1000 LBS. A=5 SQ. FT. D=2 IN. L=30 FT.

V	S / K / N / H	0.3			0.4		
		12	16	20	12	16	20
25	1	2.28	2.28	2.28	2.08	2.08	2.08
	2	5.16	5.16	5.16	4.96	4.96	4.96
	3	6.62	7.25	7.80	6.55	7.18	7.73
	4	6.15	6.69	7.17	6.10	6.64	7.12
	5	5.83	6.31	6.73	5.79	6.27	6.69
	6	5.58	6.02	6.41	5.55	5.99	6.38
	7	5.39	5.80	6.16	5.36	5.77	6.13
	8	5.24	5.62	5.95	5.21	5.59	5.93
	9	5.11	5.47	5.78	5.08	5.44	5.76
	10	5.00	5.34	5.64	4.98	5.32	5.62
30	1	3.54	3.54	3.54	3.34	3.34	3.34
	2	7.69	7.69	7.69	7.49	7.49	7.49
	3	7.89	8.51	9.06	7.82	8.45	9.00
	4	7.42	7.96	8.44	7.37	7.91	8.39
	5	7.09	7.58	8.00	7.05	7.54	7.96
	6	6.85	7.29	7.68	6.82	7.26	7.65
	7	6.66	7.07	7.43	6.63	7.04	7.40
	8	6.50	6.88	7.22	6.48	6.86	7.19
	9	6.37	6.73	7.05	6.35	6.71	7.03
	10	6.26	6.60	6.90	6.24	6.58	6.88
35	1	5.04	5.04	5.04	4.84	4.84	4.84
	2	10.1	10.6	10.6	10.0	10.4	10.4
	3	9.38	10.0	10.5	9.32	9.94	10.4
	4	8.92	9.46	9.93	8.87	9.41	9.88
	5	8.59	9.08	9.50	8.55	9.04	9.46
	6	8.35	8.79	9.18	8.32	8.76	9.14
	7	8.16	8.56	8.92	8.13	8.54	8.89
	8	8.00	8.38	8.72	7.98	8.36	8.69
	9	7.87	8.23	8.55	7.85	8.21	8.52
	10	7.76	8.10	8.40	7.74	8.08	8.38
40	1	6.77	6.77	6.77	6.57	6.57	6.57
	2	11.8	12.6	13.3	11.7	12.5	13.2
	3	11.1	11.7	12.2	11.0	11.6	12.2
	4	10.6	11.1	11.6	10.6	11.1	11.6
	5	10.3	10.8	11.2	10.2	10.7	11.1
	6	10.0	10.5	10.9	10.0	10.4	10.8
	7	9.89	10.2	10.6	9.86	10.2	10.6
	8	9.73	10.1	10.4	9.70	10.0	10.4
	9	9.60	9.96	10.2	9.58	9.94	10.2
	10	9.49	9.83	10.1	9.47	9.81	10.1

TABLE 2

W=1000 LBS. A=5 SQ. FT. D=2 IN. L=40 FT.

V	S / K / N / H	0.3			0.4		
		12	16	20	12	16	20
25	1	3.24	3.24	3.24	3.04	3.04	3.04
	2	7.08	7.08	7.08	6.88	6.88	6.88
	3	7.58	8.21	8.76	7.51	8.14	8.69
	4	7.11	7.65	8.13	7.06	7.60	8.08
	5	6.79	7.27	7.69	6.75	7.23	7.65
	6	6.54	6.98	7.37	6.51	6.95	7.34
	7	6.35	6.76	7.12	6.32	6.73	7.09
	8	6.20	6.58	6.91	6.17	6.55	6.89
	9	6.07	6.43	6.74	6.04	6.40	6.72
	10	5.96	6.30	6.60	5.94	6.28	6.58
30	1	4.92	4.92	4.92	4.72	4.72	4.72
	2	10.0	10.4	10.4	9.92	10.2	10.2
	3	9.27	9.90	10.4	9.20	9.83	10.3
	4	8.80	9.34	9.82	8.75	9.29	9.77
	5	8.48	8.96	9.38	8.44	8.92	9.34
	6	8.23	8.67	9.06	8.20	8.64	9.03
	7	8.04	8.45	8.81	8.01	8.42	8.78
	8	7.89	8.27	8.60	7.86	8.24	8.58
	9	7.76	8.12	8.43	7.73	8.09	8.41
	10	7.65	7.99	8.29	7.63	7.97	8.27
35	1	6.92	6.92	6.92	6.72	6.72	6.72
	2	12.0	12.7	13.4	11.9	12.6	13.3
	3	11.2	11.8	12.4	11.2	11.8	12.3
	4	10.8	11.3	11.8	10.7	11.2	11.7
	5	10.4	10.9	11.3	10.4	10.9	11.3
	6	10.2	10.6	11.0	10.2	10.6	11.0
	7	10.0	10.4	10.8	10.0	10.4	10.7
	8	9.88	10.2	10.6	9.86	10.2	10.5
	9	9.75	10.1	10.4	9.73	10.0	10.4
	10	9.64	9.98	10.2	9.62	9.96	10.2
40	1	9.23	9.23	9.23	9.03	9.03	9.03
	2	14.3	15.0	15.7	14.2	14.9	15.6
	3	13.5	14.2	14.7	13.5	14.1	14.6
	4	13.1	13.6	14.1	13.0	13.5	14.0
	5	12.7	13.2	13.6	12.7	13.2	13.6
	6	12.5	12.9	13.3	12.5	12.9	13.3
	7	12.3	12.7	13.1	12.3	12.7	13.0
	8	12.1	12.5	12.9	12.1	12.5	12.8
	9	12.0	12.4	12.7	12.0	12.3	12.7
	10	11.9	12.2	12.5	11.9	12.2	12.5

TABLE 3

W=1000 LBS. A=5 SQ. FT. D=2 IN. L=50 FT.

V	S \ K / N \ H	0.3			0.4		
		12	16	20	12	16	20
25	1	4.20	4.20	4.20	4.00	4.00	4.00
	2	9.00	9.00	9.00	8.80	8.80	8.80
	3	8.54	9.17	9.72	8.47	9.10	9.65
	4	8.07	8.61	9.09	8.02	8.56	9.04
	5	7.75	8.23	8.65	7.71	8.19	8.61
	6	7.50	7.94	8.33	7.47	7.91	8.30
	7	7.31	7.72	8.08	7.28	7.69	8.05
	8	7.16	7.54	7.87	7.13	7.51	7.85
	9	7.03	7.39	7.70	7.00	7.36	7.68
	10	6.92	7.26	7.56	6.90	7.24	7.54
30	1	6.31	6.31	6.31	6.11	6.11	6.11
	2	11.4	12.1	12.8	11.3	12.0	12.7
	3	10.6	11.2	11.8	10.5	11.2	11.7
	4	10.1	10.7	11.2	10.1	10.6	11.1
	5	9.86	10.3	10.7	9.82	10.3	10.7
	6	9.62	10.0	10.4	9.58	10.0	10.4
	7	9.42	9.83	10.1	9.40	9.80	10.1
	8	9.27	9.65	9.98	9.24	9.62	9.96
	9	9.14	9.50	9.81	9.12	9.48	9.79
	10	9.03	9.37	9.67	9.01	9.35	9.65
35	1	8.80	8.80	8.80	8.60	8.60	8.60
	2	13.9	14.6	15.3	13.8	14.5	15.2
	3	13.1	13.7	14.3	13.0	13.7	14.2
	4	12.6	13.2	13.7	12.6	13.1	13.6
	5	12.3	12.8	13.2	12.3	12.8	13.2
	6	12.1	12.5	12.9	12.0	12.5	12.9
	7	11.9	12.3	12.6	11.8	12.3	12.6
	8	11.7	12.1	12.4	11.7	12.1	12.4
	9	11.6	11.9	12.3	11.6	11.9	12.2
	10	11.5	11.8	12.1	11.5	11.8	12.1
40	1	11.6	11.6	11.6	11.4	11.4	11.4
	2	16.7	17.5	18.2	16.6	17.4	18.1
	3	16.0	16.6	17.2	15.9	16.5	17.1
	4	15.5	16.1	16.5	15.5	16.0	16.5
	5	15.2	15.7	16.1	15.2	15.6	16.1
	6	14.9	15.4	15.8	14.9	15.4	15.7
	7	14.8	15.2	15.5	14.7	15.1	15.5
	8	14.6	15.0	15.3	14.6	15.0	15.3
	9	14.5	14.8	15.1	14.4	14.8	15.1
	10	14.4	14.7	15.0	14.3	14.7	15.0

TABLE 4

W=1000 LBS. A=5 SQ. FT. D=4 IN. L=30 FT.

V	S/K N/H	0.3			0.4		
		12	16	20	12	16	20
25	1	1.68	1.68	1.68	1.28	1.28	1.28
	2	4.56	4.56	4.56	4.16	4.16	4.16
	3	7.44	7.44	7.44	7.04	7.04	7.04
	4	7.37	8.14	8.82	7.27	8.04	8.72
	5	6.94	7.63	8.24	6.86	7.55	8.16
	6	6.62	7.25	7.80	6.55	7.18	7.73
	7	6.36	6.94	7.45	6.31	6.88	7.39
	8	6.15	6.69	7.17	6.10	6.64	7.12
	9	5.98	6.49	6.93	5.93	6.44	6.89
	10	5.83	6.31	6.73	5.79	6.27	6.69
30	1	2.94	2.94	2.94	2.54	2.54	2.54
	2	7.09	7.09	7.09	6.69	6.69	6.69
	3	9.24	10.1	10.9	9.11	10.0	10.7
	4	8.64	9.41	10.0	8.54	9.31	9.99
	5	8.21	8.90	9.50	8.13	8.82	9.42
	6	7.89	8.51	9.06	7.82	8.45	9.00
	7	7.63	8.21	8.72	7.57	8.15	8.66
	8	7.42	7.96	8.44	7.37	7.91	8.39
	9	7.24	7.75	8.20	7.20	7.71	8.16
	10	7.09	7.58	8.00	7.05	7.54	7.96
35	1	4.44	4.44	4.44	4.04	4.04	4.04
	2	10.0	10.0	10.0	9.68	9.68	9.68
	3	10.7	11.6	12.4	10.6	11.5	12.2
	4	10.1	10.9	11.5	10.0	10.8	11.4
	5	9.71	10.4	11.0	9.63	10.3	10.9
	6	9.38	10.0	10.5	9.32	9.94	10.4
	7	9.13	9.71	10.2	9.07	9.65	10.1
	8	8.92	9.46	9.93	8.87	9.41	9.88
	9	8.74	9.25	9.70	8.70	9.21	9.65
	10	8.59	9.08	9.50	8.55	9.04	9.46
40	1	6.17	6.17	6.17	5.77	5.77	5.77
	2	13.4	13.5	13.5	13.1	13.1	13.1
	3	12.4	13.3	14.1	12.3	13.2	14.0
	4	11.8	12.6	13.3	11.7	12.5	13.2
	5	11.4	12.1	12.7	11.3	12.0	12.6
	6	11.1	11.7	12.2	11.0	11.6	12.2
	7	10.8	11.4	11.9	10.8	11.3	11.8
	8	10.6	11.1	11.6	10.6	11.1	11.6
	9	10.4	10.9	11.4	10.4	10.9	11.3
	10	10.3	10.8	11.2	10.2	10.7	11.1

TABLE 5

W=1000 LBS. A=5 SQ. FT. D=4 IN. L=40 FT.

V	S \ K / N \ H	0.3			0.4		
		12	16	20	12	16	20
25	1	2.64	2.64	2.64	2.24	2.24	2.24
	2	6.48	6.48	6.48	6.08	6.08	6.08
	3	8.93	9.83	10.3	8.80	9.70	9.92
	4	8.33	9.10	9.78	8.23	9.00	9.68
	5	7.90	8.59	9.20	7.82	8.51	9.12
	6	7.58	8.21	8.76	7.51	8.14	8.69
	7	7.32	7.90	8.41	7.27	7.84	8.35
	8	7.11	7.65	8.13	7.06	7.60	8.08
	9	6.94	7.45	7.89	6.89	7.40	7.85
	10	6.79	7.27	7.69	6.75	7.23	7.65
30	1	4.32	4.32	4.32	3.92	3.92	3.92
	2	9.85	9.85	9.85	9.45	9.45	9.45
	3	10.6	11.5	12.3	10.4	11.3	12.1
	4	10.0	10.7	11.4	9.92	10.6	11.3
	5	9.59	10.2	10.8	9.51	10.2	10.8
	6	9.27	9.90	10.4	9.20	9.83	10.3
	7	9.01	9.59	10.1	8.95	9.53	10.0
	8	8.80	9.34	9.82	8.75	9.29	9.77
	9	8.63	9.14	9.58	8.58	9.09	9.54
	10	8.48	8.96	9.38	8.44	8.92	9.34
35	1	6.32	6.32	6.32	5.92	5.92	5.92
	2	13.5	13.8	13.8	13.3	13.4	13.4
	3	12.6	13.5	14.3	12.4	13.3	14.1
	4	12.0	12.7	13.4	11.9	12.6	13.3
	5	11.5	12.2	12.8	11.5	12.2	12.8
	6	11.2	11.8	12.4	11.2	11.8	12.3
	7	11.0	11.5	12.1	10.9	11.5	12.0
	8	10.8	11.3	11.8	10.7	11.2	11.7
	9	10.6	11.1	11.5	10.5	11.0	11.8
	10	10.4	10.9	11.3	10.4	10.9	11.3
40	1	8.63	8.63	8.63	8.23	8.23	8.23
	2	15.8	16.9	17.9	15.6	16.7	17.7
	3	14.9	15.8	16.6	14.7	15.6	16.4
	4	14.3	15.0	15.7	14.2	14.9	15.6
	5	13.8	14.5	15.1	13.8	14.5	15.1
	6	13.5	14.2	14.7	13.5	14.1	14.6
	7	13.3	13.8	14.4	13.2	13.8	14.3
	8	13.1	13.6	14.1	13.0	13.5	14.0
	9	12.9	13.4	13.8	12.8	13.3	13.8
	10	12.7	13.2	13.6	12.7	13.2	13.6

TABLE 6

W=1000 LBS. A=5 SQ. FT. D=4 IN. L=50 FT.

V	S \ K / N \ H	0.3			0.4		
		12	16	20	12	16	20
25	1	3.60	3.60	3.60	3.20	3.20	3.20
	2	8.40	8.40	8.40	8.00	8.00	8.00
	3	9.89	10.7	11.5	9.76	10.6	11.4
	4	9.29	10.0	10.7	9.19	9.96	10.6
	5	8.86	9.55	10.1	8.78	9.47	10.0
	6	8.54	9.17	9.72	8.47	9.10	9.65
	7	8.28	8.86	9.37	8.23	8.80	9.31
	8	8.07	8.61	9.09	8.02	8.56	9.04
	9	7.90	8.41	8.85	7.85	8.38	8.81
	10	7.75	8.23	8.65	7.71	8.19	8.61
30	1	5.71	5.71	5.71	5.31	5.31	5.31
	2	12.6	12.6	12.6	12.2	12.2	12.2
	3	12.0	12.9	13.6	11.8	12.7	13.5
	4	11.4	12.1	12.8	11.3	12.0	12.7
	5	10.9	11.6	12.2	10.9	11.5	12.1
	6	10.6	11.2	11.8	10.5	11.2	11.7
	7	10.3	10.9	11.4	10.3	10.9	11.4
	8	10.1	10.7	11.2	10.1	10.6	11.1
	9	10.0	10.5	10.9	9.96	10.4	10.9
	10	9.86	10.3	10.7	9.82	10.3	10.7
35	1	8.20	8.20	8.20	7.80	7.80	7.80
	2	15.4	16.5	17.5	15.2	16.3	17.2
	3	14.5	15.4	16.1	14.3	15.2	16.0
	4	13.9	14.6	15.3	13.8	14.5	15.2
	5	13.4	14.1	14.7	13.3	14.0	14.6
	6	13.1	13.7	14.3	13.0	13.7	14.2
	7	12.8	13.4	13.9	12.8	13.4	13.9
	8	12.6	13.2	13.7	12.6	13.1	13.6
	9	12.5	13.0	13.4	12.4	12.9	13.4
	10	12.3	12.8	13.2	12.3	12.8	13.2
40	1	11.0	11.0	11.0	10.6	10.6	10.6
	2	18.3	19.4	20.4	18.1	19.2	20.2
	3	17.3	18.2	19.0	17.2	18.1	18.9
	4	16.7	17.5	18.2	16.6	17.4	18.1
	5	16.3	17.0	17.6	16.2	16.9	17.5
	6	16.0	16.6	17.2	15.9	16.5	17.1
	7	15.7	16.3	16.8	15.7	16.2	16.8
	8	15.5	16.1	16.5	15.5	16.0	16.5
	9	15.3	15.8	16.3	15.3	15.8	16.3
	10	15.2	15.7	16.1	15.2	15.6	16.1

TABLE 7

W=1000 LBS. A=7 SQ. FT. D=2 IN. L=30 FT.

V	S \ K / N \ H	0,3			0,4		
		12	16	20	12	16	20
25	1	3.43	3.43	3.43	3.23	3.23	3.23
	2	7.46	7.46	7.46	7.26	7.26	7.26
	3	7.77	8.40	8.95	7.70	8.33	8.88
	4	7.30	7.85	8.32	7.25	7.80	8.27
	5	6.98	7.46	7.89	6.94	7.42	7.85
	6	6.74	7.18	7.56	6.70	7.14	7.53
	7	6.54	6.95	7.31	6.52	6.92	7.28
	8	6.39	6.77	7.10	6.36	6.74	7.08
	9	6.26	6.62	6.93	6.24	6.60	6.91
	10	6.15	6.49	6.79	6.13	6.47	6.77
30	1	5.20	5.20	5.20	5.00	5.00	5.00
	2	10.3	11.0	11.0	10.2	10.8	10.8
	3	9.55	10.1	10.7	9.48	10.1	10.6
	4	9.08	9.62	10.1	9.03	9.57	10.0
	5	8.75	9.24	9.66	8.71	9.20	9.62
	6	8.51	8.95	9.34	8.48	8.92	9.30
	7	8.32	8.73	9.08	8.29	8.70	9.06
	8	8.16	8.54	8.88	8.14	8.52	8.85
	9	8.03	8.39	8.71	8.01	8.37	8.69
	10	7.92	8.26	8.56	7.90	8.24	8.54
35	1	7.30	7.30	7.30	7.10	7.10	7.10
	2	12.3	13.1	13.8	12.2	13.0	13.7
	3	11.6	12.2	12.8	11.5	12.2	12.7
	4	11.1	11.7	12.1	11.1	11.6	12.1
	5	10.8	11.3	11.7	10.8	11.2	11.7
	6	10.6	11.0	11.4	10.5	11.0	11.4
	7	10.4	10.8	11.1	10.3	10.7	11.1
	8	10.2	10.6	10.9	10.2	10.6	10.9
	9	10.1	10.4	10.8	10.1	10.4	10.7
	10	10.0	10.3	10.6	10.0	10.3	10.6
40	1	9.72	9.72	9.72	9.52	9.52	9.52
	2	14.8	15.5	16.2	14.7	15.4	16.1
	3	14.0	14.6	15.2	13.9	14.6	15.1
	4	13.5	14.1	14.6	13.5	14.0	14.5
	5	13.2	13.7	14.1	13.2	13.7	14.1
	6	13.0	13.4	13.8	12.9	13.4	13.8
	7	12.8	13.2	13.6	12.8	13.2	13.5
	8	12.6	13.0	13.3	12.6	13.0	13.3
	9	12.5	12.9	13.2	12.5	12.8	13.2
	10	12.4	12.7	13.0	12.4	12.7	13.0

TABLE 8

W=1000 LBS. A=7 SQ. FT. D=2 IN. L=40 FT.

V	S / N	K / H	0,3			0,4		
			12	16	20	12	16	20
25	1		4.77	4.77	4.77	4.57	4.57	4.57
	2		9.87	10.1	10.1	9.77	9.95	9.95
	3		9.12	9.74	10.2	9.05	9.67	10.2
	4		8.65	9.19	9.67	8.60	9.14	9.62
	5		8.32	8.81	9.23	8.28	8.77	9.19
	6		8.08	8.52	8.91	8.05	8.49	8.87
	7		7.89	8.30	8.65	7.86	8.27	8.63
	8		7.73	8.11	8.45	7.71	8.09	8.42
	9		7.60	7.96	8.28	7.58	7.94	8.24
	10		7.49	7.83	8.13	7.47	7.81	8.11
30	1		7.14	7.14	7.14	6.94	6.94	6.94
	2		12.2	13.0	13.6	12.1	12.9	13.5
	3		11.4	12.1	12.6	11.4	12.0	12.5
	4		11.0	11.5	12.0	10.9	11.5	11.9
	5		10.6	11.1	11.6	10.6	11.1	11.5
	6		10.4	10.8	11.2	10.4	10.8	11.2
	7		10.2	10.6	11.0	10.2	10.6	10.9
	8		10.1	10.4	10.8	10.0	10.4	10.7
	9		9.97	10.3	10.6	9.95	10.3	10.6
	10		9.86	10.2	10.5	9.84	10.1	10.4
35	1		9.93	9.93	9.93	9.73	9.73	9.73
	2		15.0	15.8	16.4	14.9	15.7	16.3
	3		14.2	14.9	15.4	14.2	14.8	15.3
	4		13.8	14.3	14.8	13.7	14.3	14.7
	5		13.4	13.9	14.3	13.4	13.9	14.3
	6		13.2	13.6	14.0	13.2	13.6	14.0
	7		13.0	13.4	13.8	13.0	13.4	13.7
	8		12.8	13.2	13.6	12.8	13.2	13.5
	9		12.7	13.1	13.4	12.7	13.1	13.4
	10		12.6	12.9	13.2	12.6	12.9	13.2
40	1		13.1	13.1	13.1	12.9	12.9	12.9
	2		18.2	19.0	19.7	18.1	18.9	19.6
	3		17.5	18.1	18.6	17.4	18.0	18.6
	4		17.0	17.5	18.0	16.9	17.5	18.0
	5		16.7	17.1	17.6	16.6	17.1	17.5
	6		16.4	16.9	17.2	16.4	16.8	17.2
	7		16.2	16.6	17.0	16.2	16.6	17.0
	8		16.1	16.5	16.8	16.0	16.4	16.8
	9		15.9	16.3	16.6	15.9	16.3	16.6
	10		15.8	16.2	16.5	15.8	16.2	16.5

TABLE 9

W=1000 LBS. A=7 SQ. FT. D=2 IN. L=50 FT.

V	S \ K / N \ H	0.3			0.4		
		12	16	20	12	16	20
25	1	6.12	6.12	6.12	5.92	5.92	5.92
	2	11.2	11.9	12.6	11.1	11.8	12.5
	3	10.4	11.0	11.6	10.3	11.0	11.5
	4	9.99	10.5	11.0	9.94	10.4	10.9
	5	9.67	10.1	10.5	9.63	10.1	10.5
	6	9.42	9.86	10.2	9.39	9.83	10.2
	7	9.23	9.64	10.0	9.20	9.61	9.97
	8	9.08	9.46	9.79	9.05	9.43	9.77
	9	8.95	9.31	9.62	8.92	9.28	9.60
	10	8.84	9.18	9.48	8.82	9.16	9.46
30	1	9.07	9.07	9.07	8.87	8.87	8.87
	2	14.1	14.9	15.6	14.0	14.8	15.5
	3	13.4	14.0	14.5	13.3	13.9	14.5
	4	12.9	13.4	13.9	12.9	13.4	13.9
	5	12.6	13.1	13.5	12.5	13.0	13.4
	6	12.3	12.8	13.2	12.3	12.7	13.1
	7	12.1	12.6	12.9	12.1	12.5	12.9
	8	12.0	12.4	12.7	12.0	12.3	12.7
	9	11.9	12.2	12.5	11.8	12.2	12.5
	10	11.7	12.1	12.4	11.7	12.1	12.4
35	1	12.5	12.5	12.5	12.3	12.3	12.3
	2	17.6	18.4	19.1	17.5	18.3	19.0
	3	16.9	17.5	18.0	16.8	17.4	18.0
	4	16.4	16.9	17.4	16.3	16.9	17.4
	5	16.1	16.6	17.0	16.0	16.5	16.9
	6	15.8	16.3	16.7	15.8	16.2	16.6
	7	15.6	16.0	16.4	15.6	16.0	16.4
	8	15.5	15.9	16.2	15.5	15.8	16.2
	9	15.4	15.7	16.0	15.3	15.7	16.0
	10	15.2	15.6	15.9	15.2	15.6	15.9
40	1	16.6	16.6	16.6	16.4	16.4	16.4
	2	21.6	22.4	23.1	21.5	22.3	23.0
	3	20.9	21.5	22.1	20.8	21.5	22.0
	4	20.4	21.0	21.4	20.4	20.9	21.4
	5	20.1	20.6	21.0	20.1	20.5	21.0
	6	19.9	20.3	20.7	19.8	20.3	20.7
	7	19.7	20.1	20.4	19.6	20.0	20.4
	8	19.5	19.9	20.2	19.5	19.9	20.2
	9	19.4	19.7	20.1	19.4	19.7	20.0
	10	19.3	19.6	19.9	19.3	19.6	19.9

TABLE 10

W=1000 LBS. A=7 SQ. FT. D=4 IN. L=30 FT.

V	S/N \ K/H	0.3			0.4		
		12	16	20	12	16	20
25	1	2.83	2.83	2.83	2.43	2.43	2.43
	2	6.86	6.86	6.86	6.46	6.46	6.46
	3	9.12	10.0	10.8	8.99	9.89	10.4
	4	8.52	9.29	9.97	8.42	9.19	9.87
	5	8.10	8.78	9.39	8.02	8.70	9.31
	6	7.77	8.40	8.95	7.70	8.33	8.88
	7	7.51	8.09	8.60	7.46	8.04	8.55
	8	7.30	7.85	8.32	7.25	7.80	8.27
	9	7.13	7.64	8.09	7.08	7.59	8.04
	10	6.98	7.46	7.89	6.94	7.42	7.85
30	1	4.60	4.60	4.60	4.20	4.20	4.20
	2	10.4	10.4	10.4	10.0	10.0	10.0
	3	10.9	11.8	12.5	10.7	11.6	12.4
	4	10.3	11.0	11.7	10.2	10.9	11.6
	5	9.87	10.5	11.1	9.79	10.4	11.0
	6	9.55	10.1	10.7	9.48	10.1	10.6
	7	9.29	9.87	10.3	9.23	9.81	10.3
	8	9.08	9.62	10.1	9.03	9.57	10.0
	9	8.90	9.41	9.86	8.86	9.37	9.82
	10	8.75	9.24	9.66	8.71	9.20	9.62
35	1	6.70	6.70	6.70	6.30	6.30	6.30
	2	13.9	14.6	14.6	13.7	14.2	14.2
	3	13.0	13.8	14.6	12.8	13.7	14.5
	4	12.3	13.1	13.8	12.2	13.0	13.7
	5	11.9	12.6	13.2	11.8	12.5	13.1
	6	11.6	12.2	12.8	11.5	12.2	12.7
	7	11.3	11.9	12.4	11.3	11.9	12.4
	8	11.1	11.7	12.1	11.1	11.6	12.1
	9	11.0	11.5	11.9	10.9	11.4	11.9
	10	10.8	11.3	11.7	10.8	11.2	11.7
40	1	9.12	9.12	9.12	8.72	8.72	8.72
	2	16.3	17.4	18.4	16.1	17.2	18.2
	3	15.4	16.3	17.1	15.2	16.1	16.9
	4	14.8	15.5	16.2	14.7	15.4	16.1
	5	14.3	15.0	15.6	14.3	14.9	15.6
	6	14.0	14.6	15.2	13.9	14.6	15.1
	7	13.8	14.3	14.8	13.7	14.3	14.8
	8	13.5	14.1	14.6	13.5	14.0	14.5
	9	13.4	13.9	14.3	13.3	13.8	14.3
	10	13.2	13.7	14.1	13.2	13.7	14.1

TABLE 11

W=1000 LBS. A=7 SQ. FT. D=4 IN. L=40 FT.

V	S/N \ K/H	0.3			0.4		
		12	16	20	12	16	20
25	1	4.17	4.17	4.17	3.77	3.77	3.77
	2	9.55	9.55	9.55	9.15	9.15	9.15
	3	10.4	11.3	12.1	10.3	11.2	12.0
	4	9.87	10.6	11.3	9.77	10.5	11.2
	5	9.44	10.1	10.7	9.36	10.0	10.6
	6	9.12	9.74	10.2	9.05	9.67	10.2
	7	8.86	9.44	9.95	8.80	9.38	9.89
	8	8.65	9.19	9.67	8.60	9.14	9.62
	9	8.47	8.98	9.43	8.43	8.94	9.39
	10	8.32	8.81	9.23	8.28	8.77	9.19
30	1	6.54	6.54	6.54	6.14	6.14	6.14
	2	13.7	14.2	14.2	13.5	13.8	13.8
	3	12.8	13.7	14.5	12.7	13.6	14.3
	4	12.2	13.0	13.6	12.1	12.9	13.5
	5	11.8	12.4	13.1	11.7	12.4	13.0
	6	11.4	12.1	12.6	11.4	12.0	12.5
	7	11.2	11.8	12.3	11.1	11.7	12.2
	8	11.0	11.5	12.0	10.9	11.5	11.9
	9	10.8	11.3	11.8	10.7	11.3	11.7
	10	10.6	11.1	11.6	10.6	11.1	11.5
35	1	9.33	9.33	9.33	8.93	8.93	8.93
	2	16.5	17.6	18.6	16.3	17.4	18.4
	3	15.6	16.5	17.3	15.5	16.3	17.1
	4	15.0	15.8	16.4	14.9	15.7	16.3
	5	14.6	15.2	15.8	14.5	15.2	15.8
	6	14.2	14.9	15.4	14.2	14.8	15.3
	7	14.0	14.6	15.1	13.9	14.5	15.0
	8	13.8	14.3	14.8	13.7	14.3	14.7
	9	13.6	14.1	14.5	13.5	14.1	14.5
	10	13.4	13.9	14.3	13.4	13.9	14.3
40	1	12.5	12.5	12.5	12.1	12.1	12.1
	2	19.7	20.9	21.8	19.5	20.7	21.6
	3	18.8	19.7	20.5	18.7	19.6	20.4
	4	18.2	19.0	19.7	18.1	18.9	19.6
	5	17.8	18.5	19.1	17.7	18.4	19.0
	6	17.5	18.1	18.6	17.4	18.0	18.6
	7	17.2	17.8	18.3	17.1	17.7	18.2
	8	17.0	17.5	18.0	16.9	17.5	18.0
	9	16.8	17.3	17.8	16.8	17.3	17.7
	10	16.7	17.1	17.6	16.6	17.1	17.5

TABLE 12

W=1000 LBS. A=7 SQ. FT. D=4 IN. L=50 FT.

V	S/K N/H	0.3			0.4		
		12	16	20	12	16	20
25	1	5.52	5.52	5.52	5.12	5.12	5.12
	2	12.2	12.2	12.2	11.8	11.8	11.8
	3	11.8	12.7	13.5	11.6	12.5	13.3
	4	11.2	11.9	12.6	11.1	11.8	12.5
	5	10.7	11.4	12.0	10.7	11.3	12
	6	10.4	11.0	11.6	10.3	11.0	11.5
	7	10.2	10.7	11.2	10.1	10.7	11.2
	8	9.99	10.5	11.0	9.94	10.4	10.9
	9	9.82	10.3	10.7	9.77	10.2	10.7
	10	9.67	10.1	10.5	9.63	10.1	10.5
30	1	8.47	8.47	8.47	8.07	8.07	8.07
	2	15.7	16.8	17.7	15.5	16.6	17.5
	3	14.7	15.6	16.4	14.6	15.5	16.3
	4	14.1	14.9	15.6	14.0	14.8	15.5
	5	13.7	14.4	15.0	13.6	14.3	14.9
	6	13.4	14.0	14.5	13.3	13.9	14.5
	7	13.1	13.7	14.2	13.1	13.6	14.1
	8	12.9	13.4	13.9	12.9	13.4	13.9
	9	12.7	13.2	13.7	12.7	13.2	13.6
	10	12.6	13.1	13.5	12.5	13.0	13.4
35	1	11.9	11.9	11.9	11.5	11.5	11.5
	2	19.2	20.3	21.2	19.0	20.1	21.0
	3	18.2	19.1	19.9	18.1	19.0	19.8
	4	17.6	18.4	19.1	17.5	18.3	19.0
	5	17.2	17.9	18.5	17.1	17.8	18.4
	6	16.9	17.5	18.0	16.8	17.4	18.0
	7	16.6	17.2	17.7	16.6	17.1	17.6
	8	16.4	16.9	17.4	16.3	16.9	17.4
	9	16.2	16.7	17.2	16.2	16.7	17.1
	10	16.1	16.6	17.0	16.0	16.5	16.9
40	1	16.0	16.0	16.0	15.6	15.6	15.6
	2	23.2	24.3	25.3	23.0	24.1	25.1
	3	22.3	23.1	23.9	22.1	23.0	23.8
	4	21.6	22.4	23.1	21.5	22.3	23.0
	5	21.2	21.9	22.5	21.1	21.8	22.4
	6	20.9	21.5	22.1	20.8	21.5	22.0
	7	20.6	21.2	21.7	20.6	21.2	21.7
	8	20.4	21.0	21.4	20.4	20.9	21.4
	9	20.3	20.8	21.2	20.2	20.7	21.2
	10	20.1	20.6	21.0	20.1	20.5	21.0

TABLE 13

W=2000 LBS. A=5 SQ. FT. D=2 IN. L=30 FT.

V	S \ K / N \ H	0.3			0.4		
		12	16	20	12	16	20
25	1	.840	.840	.840	.640	.640	.640
	2	2.28	2.28	2.28	2.08	2.08	2.08
	3	3.72	3.72	3.72	3.52	3.52	3.52
	4	4.71	5.16	5.16	4.66	4.96	4.96
	5	4.39	4.87	5.29	4.35	4.83	5.25
	6	4.14	4.58	4.97	4.11	4.55	4.94
	7	3.95	4.36	4.72	3.92	4.33	4.69
	8	3.80	4.18	4.51	3.77	4.15	4.49
	9	3.67	4.03	4.34	3.64	4.00	4.32
	10	3.56	3.90	4.20	3.54	3.88	4.18
30	1	1.47	1.47	1.47	1.27	1.27	1.27
	2	3.54	3.54	3.54	3.34	3.34	3.34
	3	5.62	5.62	5.62	5.42	5.42	5.42
	4	5.35	5.89	6.36	5.30	5.84	6.31
	5	5.02	5.50	5.93	4.98	5.46	5.89
	6	4.78	5.22	5.60	4.74	5.18	5.57
	7	4.59	4.99	5.35	4.56	4.96	5.32
	8	4.43	4.81	5.15	4.41	4.79	5.12
	9	4.30	4.66	4.98	4.28	4.64	4.95
	10	4.19	4.53	4.83	4.17	4.51	4.81
35	1	2.22	2.22	2.22	2.02	2.02	2.02
	2	5.04	5.04	5.04	4.84	4.84	4.84
	3	6.56	7.19	7.74	6.49	7.12	7.66
	4	6.10	6.64	7.11	6.05	6.59	7.06
	5	5.77	6.25	6.68	5.73	6.21	6.64
	6	5.53	5.97	6.35	5.49	5.93	6.32
	7	5.33	5.74	6.10	5.31	5.71	6.07
	8	5.18	5.56	5.89	5.15	5.53	5.87
	9	5.05	5.41	5.72	5.03	5.39	5.70
	10	4.94	5.28	5.58	4.92	5.26	5.56
40	1	3.08	3.08	3.08	2.88	2.88	2.88
	2	6.77	6.77	6.77	6.57	6.57	6.57
	3	7.43	8.05	8.60	7.36	7.99	8.54
	4	6.96	7.50	7.98	6.91	7.45	7.93
	5	6.63	7.12	7.54	6.59	7.08	7.50
	6	6.39	6.83	7.22	6.36	6.80	7.18
	7	6.20	6.61	6.96	6.17	6.58	6.94
	8	6.04	6.42	6.76	6.02	6.40	6.73
	9	5.91	6.27	6.59	5.89	6.25	6.57
	10	5.80	6.14	6.44	5.78	6.12	6.42

TABLE 14

W=2000 LBS. A=5 SQ. FT. D=2 IN. L=40 FT.

V	S / N	K / H	0.3			0.4		
			12	16	20	12	16	20
25	1		1.32	1.32	1.32	1.12	1.12	1.12
	2		3.24	3.24	3.24	3.04	3.04	3.04
	3		5.16	5.16	5.16	4.96	4.96	4.96
	4		5.19	5.73	6.21	5.14	5.68	6.16
	5		4.87	5.35	5.77	4.83	5.31	5.73
	6		4.62	5.06	5.45	4.59	5.03	5.42
	7		4.43	4.84	5.20	4.40	4.81	5.17
	8		4.28	4.66	4.99	4.25	4.63	4.97
	9		4.15	4.51	4.82	4.12	4.48	4.80
	10		4.04	4.38	4.68	4.02	4.36	4.66
30	1		2.16	2.16	2.16	1.96	1.96	1.96
	2		4.92	4.92	4.92	4.72	4.72	4.72
	3		6.50	7.13	7.68	6.44	7.06	7.49
	4		6.04	6.58	7.05	5.99	6.53	7.00
	5		5.71	6.20	6.62	5.67	6.16	6.58
	6		5.47	5.91	6.30	5.44	5.88	6.26
	7		5.28	5.68	6.04	5.25	5.66	6.01
	8		5.12	5.50	5.84	5.10	5.48	5.81
	9		4.99	5.35	5.67	4.97	5.33	5.64
	10		4.88	5.22	5.52	4.86	5.20	5.50
35	1		3.16	3.16	3.16	2.96	2.96	2.96
	2		6.92	6.92	6.92	6.72	6.72	6.72
	3		7.50	8.13	8.68	7.44	8.06	8.61
	4		7.04	7.58	8.05	6.99	7.53	8.00
	5		6.71	7.19	7.62	6.67	7.15	7.58
	6		6.47	6.91	7.29	6.43	6.87	7.26
	7		6.28	6.68	7.04	6.25	6.65	7.01
	8		6.12	6.50	6.84	6.09	6.48	6.81
	9		5.99	6.35	6.66	5.97	6.33	6.64
	10		5.88	6.22	6.52	5.86	6.20	6.50
40	1		4.31	4.31	4.31	4.11	4.11	4.11
	2		9.23	9.23	9.23	9.03	9.03	9.03
	3		8.65	9.28	9.83	8.59	9.21	9.76
	4		8.19	8.73	9.20	8.14	8.68	9.15
	5		7.86	8.35	8.77	7.82	8.31	8.73
	6		7.62	8.06	8.45	7.59	8.03	8.41
	7		7.43	7.83	8.19	7.40	7.81	8.16
	8		7.27	7.65	7.99	7.25	7.63	7.96
	9		7.14	7.50	7.82	7.12	7.48	7.79
	10		7.03	7.37	7.67	7.01	7.35	7.65

TABLE 15

W=1000 LBS. A=5 SQ. FT D=2 IN. L=50 FT.

V	S/N \ K/H	0.3			0.4		
		12	16	20	12	16	20
25	1	1.80	1.80	1.80	1.60	1.60	1.60
	2	4.20	4.20	4.20	4.00	4.00	4.00
	3	6.14	6.60	6.60	6.07	6.40	6.40
	4	5.67	6.21	6.69	5.62	6.16	6.64
	5	5.35	5.83	6.25	5.31	5.79	6.21
	6	5.10	5.54	5.93	5.07	5.51	5.90
	7	4.91	5.32	5.68	4.88	5.29	5.65
	8	4.76	5.14	5.47	4.73	5.11	5.45
	9	4.63	4.99	5.30	4.60	4.96	5.28
	10	4.52	4.86	5.16	4.50	4.84	5.14
30	1	2.85	2.85	2.85	2.65	2.65	2.65
	2	6.31	6.31	6.31	6.11	6.11	6.11
	3	7.20	7.82	8.37	7.13	7.75	8.31
	4	6.73	7.27	7.75	6.68	7.22	7.70
	5	6.40	6.89	7.31	6.36	6.85	7.27
	6	6.16	6.60	6.99	6.13	6.57	6.95
	7	5.97	6.38	6.73	5.94	6.35	6.71
	8	5.81	6.19	6.53	5.79	6.17	6.50
	9	5.68	6.04	6.36	5.66	6.02	6.34
	10	5.57	5.91	6.21	5.55	5.89	6.19
35	1	4.10	4.10	4.10	3.90	3.90	3.90
	2	8.80	8.80	8.80	8.60	8.60	8.60
	3	8.44	9.07	9.62	8.38	9.00	9.55
	4	7.98	8.52	8.99	7.93	8.47	8.94
	5	7.65	8.13	8.56	7.61	8.09	8.52
	6	7.41	7.85	8.24	7.37	7.81	8.20
	7	7.22	7.62	7.98	7.19	7.59	7.95
	8	7.06	7.44	7.78	7.04	7.42	7.75
	9	6.93	7.29	7.61	6.91	7.27	7.58
	10	6.82	7.16	7.46	6.80	7.14	7.44
40	1	5.54	5.54	5.54	5.34	5.34	5.34
	2	10.6	11.4	11.6	10.5	11.3	11.4
	3	9.88	10.5	11.0	9.82	10.4	10.9
	4	9.42	9.96	10.4	9.37	9.91	10.3
	5	9.09	9.57	10.0	9.05	9.53	9.96
	6	8.85	9.29	9.68	8.81	9.25	9.64
	7	8.66	9.06	9.42	8.63	9.03	9.39
	8	8.50	8.88	9.22	8.48	8.86	9.19
	9	8.37	8.73	9.05	8.35	8.71	9.02
	10	8.26	8.60	8.90	8.24	8.58	8.88

TABLE 16

W=2000 LBS. A=5 SQ. FT. D=4 IN. L=30 FT.

V	S/N \ K/H	0.3			0.4		
		12	16	20	12	16	20
25	1	.240	.240	.240	-.15	-.15	-.15
	2	1.68	1.68	1.68	1.28	1.28	1.28
	3	3.12	3.12	3.12	2.72	2.72	2.72
	4	4.56	4.56	4.56	4.16	4.16	4.16
	5	5.50	6.00	6.00	5.42	5.60	5.60
	6	5.18	5.81	6.36	5.11	5.74	6.29
	7	4.92	5.50	6.01	4.87	5.44	5.95
	8	4.71	5.25	5.73	4.66	5.20	5.68
	9	4.54	5.05	5.49	4.49	5.00	5.45
	10	4.39	4.87	5.29	4.35	4.83	5.25
30	1	.873	.873	.873	.473	.473	.473
	2	2.94	2.94	2.94	2.54	2.54	2.54
	3	5.02	5.02	5.02	4.62	4.62	4.62
	4	6.56	7.09	7.09	6.46	6.69	6.69
	5	6.14	6.82	7.43	6.06	6.74	7.35
	6	5.81	6.44	6.99	5.75	6.37	6.92
	7	5.56	6.13	6.64	5.50	6.08	6.59
	8	5.35	5.89	6.36	5.30	5.84	6.31
	9	5.17	5.68	6.13	5.13	5.64	6.08
	10	5.02	5.50	5.93	4.98	5.46	5.89
35	1	1.62	1.62	1.62	1.22	1.22	1.22
	2	4.44	4.44	4.44	4.04	4.04	4.04
	3	7.26	7.26	7.26	6.86	6.86	6.86
	4	7.31	8.09	8.76	7.21	7.99	8.66
	5	6.89	7.57	8.18	6.81	7.49	8.10
	6	6.56	7.19	7.74	6.49	7.12	7.67
	7	6.30	6.88	7.39	6.25	6.83	7.34
	8	6.10	6.64	7.11	6.05	6.59	7.06
	9	5.92	6.43	6.88	5.88	6.38	6.83
	10	5.77	6.25	6.68	5.73	6.21	6.64
40	1	2.48	2.48	2.48	2.08	2.08	2.08
	2	6.17	6.17	6.17	5.77	5.77	5.77
	3	8.78	9.68	9.85	8.65	9.45	9.45
	4	8.18	8.95	9.63	8.08	8.85	9.53
	5	7.75	8.44	9.04	7.67	8.36	8.96
	6	7.43	8.05	8.60	7.36	7.99	8.54
	7	7.17	7.75	8.26	7.11	7.69	8.20
	8	6.96	7.50	7.98	6.91	7.45	7.93
	9	6.78	7.29	7.74	6.74	7.25	7.70
	10	6.63	7.12	7.54	6.59	7.08	7.50

TABLE 17

W=2000 LBS. A=5 SQ. FT. D=4 IN. L=40 FT.

V	S / K / N / H	0.3			0.4		
		12	16	20	12	16	20
25	1	.720	.720	.720	.320	.320	.320
	2	2.64	2.64	2.64	2.24	2.24	2.24
	3	4.56	4.56	4.56	4.16	4.16	4.16
	4	6.41	6.48	6.48	6.08	6.08	6.08
	5	5.98	6.67	7.28	5.90	6.59	7.2
	6	5.66	6.29	6.84	5.59	6.22	6.77
	7	5.40	5.98	6.49	5.35	5.92	6.43
	8	5.19	5.73	6.21	5.14	5.68	6.16
	9	5.02	5.53	5.97	4.97	5.48	5.93
	10	4.87	5.35	5.77	4.83	5.31	5.73
30	1	1.56	1.56	1.56	1.16	1.16	1.16
	2	4.32	4.32	4.32	3.92	3.92	3.92
	3	7.09	7.09	7.09	6.69	6.69	6.69
	4	7.26	8.03	8.70	7.16	7.93	8.60
	5	6.83	7.52	8.12	6.75	7.44	8.04
	6	6.50	7.13	7.68	6.44	7.06	7.61
	7	6.25	6.83	7.34	6.19	6.77	7.28
	8	6.04	6.58	7.05	5.99	6.53	7.00
	9	5.86	6.37	6.82	5.82	6.33	6.77
	10	5.71	6.20	6.62	5.67	6.16	6.58
35	1	2.56	2.56	2.56	2.16	2.16	2.16
	2	6.32	6.32	6.32	5.92	5.92	5.92
	3	8.86	9.75	10.0	8.72	9.62	9.68
	4	8.25	9.03	9.70	8.15	8.93	9.60
	5	7.83	8.51	9.12	7.75	8.43	9.04
	6	7.50	8.13	8.68	7.44	8.06	8.61
	7	7.25	7.82	8.33	7.19	7.77	8.28
	8	7.04	7.58	8.05	6.99	7.53	8.00
	9	6.86	7.37	7.82	6.82	7.33	7.77
	10	6.71	7.19	7.62	6.67	7.15	7.58
40	1	3.71	3.71	3.71	3.31	3.31	3.31
	2	8.63	8.63	8.63	8.23	8.23	8.23
	3	10.0	10.9	11.6	9.87	10.7	11.5
	4	9.41	10.1	10.8	9.31	10.0	10.7
	5	8.98	9.67	10.2	8.90	9.59	10.1
	6	8.65	9.28	9.83	8.59	9.21	9.76
	7	8.40	8.98	9.49	8.34	8.92	9.43
	8	8.19	8.73	9.20	8.14	8.68	9.15
	9	8.01	8.52	8.97	7.97	8.48	8.93
	10	7.86	8.35	8.77	7.82	8.31	8.73

TABLE 18

W=2000 LBS. A=5 SQ. FT. D=4 IN. L=50 FT.

V	S/N \ K/H	0.3			0.4		
		12	16	20	12	16	20
25	1	1.20	1.20	1.20	.800	.800	.800
	2	3.60	3.60	3.60	3.20	3.20	3.20
	3	6.00	6.00	6.00	5.60	5.60	5.60
	4	6.89	7.66	8.34	6.79	7.56	8
	5	6.46	7.15	7.76	6.38	7.07	7.68
	6	6.14	6.77	7.32	6.07	6.70	7.25
	7	5.88	6.46	6.97	5.83	6.40	6.91
	8	5.67	6.21	6.69	5.62	6.16	6.64
	9	5.50	6.01	6.45	5.45	5.96	6.41
	10	5.35	5.83	6.25	5.31	5.79	6.21
30	1	2.25	2.25	2.25	1.85	1.85	1.85
	2	5.71	5.71	5.71	5.31	5.31	5.31
	3	8.55	9.16	9.16	8.42	8.76	8.76
	4	7.95	8.72	9.40	7.85	8.62	9.30
	5	7.52	8.21	8.81	7.44	8.13	8.73
	6	7.20	7.82	8.37	7.13	7.75	8.31
	7	6.94	7.52	8.03	6.88	7.46	7.97
	8	6.73	7.27	7.75	6.68	7.22	7.70
	9	6.55	7.06	7.51	6.51	7.02	7.47
	10	6.40	6.89	7.31	6.36	6.85	7.27
35	1	3.50	3.50	3.50	3.10	3.10	3.10
	2	8.20	8.20	8.20	7.80	7.80	7.80
	3	9.80	10.6	11.4	9.66	10.5	11.3
	4	9.19	9.97	10.6	9.09	9.87	10.5
	5	8.77	9.45	10.0	8.69	9.37	9.98
	6	8.44	9.07	9.62	8.38	9.00	9.55
	7	8.19	8.77	9.27	8.13	8.71	9.22
	8	7.98	8.52	8.99	7.93	8.47	8.94
	9	7.80	8.31	8.76	7.76	8.27	8.71
	10	7.65	8.13	8.56	7.61	8.09	8.52
40	1	4.94	4.94	4.94	4.54	4.54	4.54
	2	11.0	11.0	11.0	10.6	10.6	10.6
	3	11.2	12.1	12.9	11.1	12.0	12.7
	4	10.6	11.4	12.0	10.5	11.3	11.9
	5	10.2	10.8	11.5	10.1	10.8	11.4
	6	9.88	10.5	11.0	9.82	10.4	10.9
	7	9.63	10.2	10.7	9.57	10.1	10.6
	8	9.42	9.96	10.4	9.37	9.91	10.3
	9	9.24	9.75	10.2	9.20	9.71	10.1
	10	9.09	9.57	10.0	9.05	9.53	9.96

TABLE 19

W=2000 LBS. A=7 SQ. FT. D=2 IN. L=30 FT.

V	S/N \ K/H	0.3			0.4		
		12	16	20	12	16	20
25	1	1.41	1.41	1.41	1.21	1.21	1.21
	2	3.43	3.43	3.43	3.23	3.23	3.23
	3	5.44	5.44	5.44	5.24	5.24	5.24
	4	5.29	5.83	6.31	5.24	5.78	6.26
	5	4.96	5.45	5.87	4.92	5.41	5.83
	6	4.72	5.16	5.55	4.69	5.13	5.51
	7	4.53	4.94	5.29	4.50	4.91	5.27
	8	4.37	4.75	5.09	4.35	4.73	5.06
	9	4.24	4.60	4.92	4.22	4.58	4.90
	10	4.13	4.47	4.77	4.11	4.45	4.75
30	1	2.30	2.30	2.30	2.10	2.10	2.10
	2	5.20	5.20	5.20	5.00	5.00	5.00
	3	6.64	7.27	7.82	6.58	7.20	7.75
	4	6.18	6.72	7.19	6.13	6.67	7.14
	5	5.85	6.33	6.76	5.81	6.29	6.72
	6	5.61	6.05	6.43	5.57	6.01	6.40
	7	5.42	5.82	6.18	5.39	5.79	6.15
	8	5.26	5.64	5.98	5.23	5.62	5.95
	9	5.13	5.49	5.80	5.11	5.47	5.78
	10	5.02	5.36	5.66	5.00	5.34	5.64
35	1	3.35	3.35	3.35	3.15	3.15	3.15
	2	7.30	7.30	7.30	7.10	7.10	7.10
	3	7.69	8.32	8.87	7.62	8.25	8.80
	4	7.22	7.76	8.24	7.17	7.71	8.19
	5	6.90	7.38	7.81	6.86	7.34	7.77
	6	6.66	7.10	7.48	6.62	7.06	7.45
	7	6.46	6.87	7.23	6.44	6.84	7.20
	8	6.31	6.69	7.02	6.28	6.66	7.00
	9	6.18	6.54	6.85	6.16	6.51	6.83
	10	6.07	6.41	6.71	6.05	6.39	6.69
40	1	4.56	4.56	4.56	4.36	4.36	4.36
	2	9.65	9.72	9.72	9.52	9.52	9.52
	3	8.90	9.53	10.0	8.83	9.46	10.0
	4	8.43	8.97	9.45	8.38	8.92	9.40
	5	8.11	8.59	9.02	8.07	8.55	8.98
	6	7.86	8.30	8.69	7.83	8.27	8.66
	7	7.67	8.08	8.44	7.64	8.05	8.41
	8	7.52	7.90	8.23	7.49	7.87	8.21
	9	7.39	7.75	8.06	7.37	7.72	8.04
	10	7.28	7.62	7.92	7.26	7.60	7.90

TABLE 20

W=2000 LBS. A=7 SQ. FT. D=2 IN. L=40 FT.

V	S / K / N / H	0.3			0.4		
		12	16	20	12	16	20
25	1	2.08	2.08	2.08	1.88	1.88	1.88
	2	4.77	4.77	4.77	4.57	4.57	4.57
	3	6.43	7.05	7.46	6.36	6.99	7.26
	4	5.96	6.50	6.98	5.91	6.45	6.93
	5	5.64	6.12	6.54	5.60	6.08	6.50
	6	5.39	5.83	6.22	5.36	5.80	6.19
	7	5.20	5.61	5.97	5.17	5.58	5.94
	8	5.04	5.43	5.76	5.02	5.40	5.74
	9	4.92	5.27	5.59	4.89	5.25	5.57
	10	4.80	5.14	5.44	4.78	5.12	5.42
30	1	3.27	3.27	3.27	3.07	3.07	3.07
	2	7.14	7.14	7.14	6.94	6.94	6.94
	3	7.61	8.24	8.79	7.54	8.17	8.72
	4	7.14	7.68	8.16	7.09	7.63	8.11
	5	6.82	7.30	7.73	6.78	7.26	7.69
	6	6.57	7.01	7.40	6.54	6.98	7.37
	7	6.38	6.79	7.15	6.35	6.76	7.12
	8	6.23	6.61	6.94	6.20	6.58	6.92
	9	6.10	6.46	6.77	6.08	6.43	6.75
	10	5.99	6.33	6.63	5.97	6.31	6.61
35	1	4.66	4.66	4.66	4.46	4.46	4.46
	2	9.76	9.93	9.93	9.66	9.73	9.73
	3	9.01	9.63	10.1	8.94	9.57	10.1
	4	8.54	9.08	9.56	8.49	9.03	9.51
	5	8.22	8.70	9.12	8.18	8.66	9.08
	6	7.97	8.41	8.80	7.94	8.38	8.77
	7	7.78	8.19	8.55	7.75	8.16	8.52
	8	7.63	8.01	8.34	7.60	7.98	8.32
	9	7.50	7.85	8.17	7.47	7.83	8.15
	10	7.39	7.73	8.02	7.37	7.71	8.00
40	1	6.28	6.28	6.28	6.08	6.08	6.08
	2	11.3	12.1	12.8	11.2	12.0	12.7
	3	10.6	11.2	11.8	10.5	11.1	11.7
	4	10.1	10.6	11.1	10.1	10.6	11.1
	5	9.83	10.3	10.7	9.79	10.2	10.7
	6	9.58	10.0	10.4	9.55	9.99	10.3
	7	9.39	9.80	10.1	9.36	9.77	10.1
	8	9.24	9.62	9.95	9.21	9.59	9.93
	9	9.11	9.47	9.78	9.09	9.44	9.76
	10	9.00	9.34	9.64	8.98	9.32	9.62

TABLE 21

W=2000 LBS. A=7 SQ. FT. D=2 IN. L=50 FT.

V	S \ K / N \ H	0.3			0.4		
		12	16	20	12	16	20
25	1	2.76	2.76	2.76	2.56	2.56	2.56
	2	6.12	6.12	6.12	5.92	5.92	5.92
	3	7.10	7.73	8.28	7.03	7.66	8.21
	4	6.63	7.17	7.65	6.58	7.12	7.60
	5	6.31	6.79	7.21	6.27	6.75	7.17
	6	6.06	6.50	6.89	6.03	6.47	6.86
	7	5.87	6.28	6.64	5.84	6.25	6.61
	8	5.72	6.10	6.43	5.69	6.07	6.41
	9	5.59	5.95	6.26	5.56	5.92	6.24
	10	5.48	5.82	6.12	5.46	5.80	6.10
30	1	4.23	4.23	4.23	4.03	4.03	4.03
	2	9.07	9.07	9.07	8.87	8.87	8.87
	3	8.58	9.20	9.75	8.51	9.14	9.69
	4	8.11	8.65	9.13	8.06	8.60	9.08
	5	7.79	8.27	8.69	7.75	8.23	8.65
	6	7.54	7.98	8.37	7.51	7.95	8.34
	7	7.35	7.76	8.12	7.32	7.73	8.09
	8	7.20	7.58	7.91	7.17	7.55	7.89
	9	7.07	7.42	7.74	7.04	7.40	7.72
	10	6.96	7.30	7.59	6.94	7.28	7.57
35	1	5.98	5.98	5.98	5.78	5.78	5.78
	2	11.0	11.8	12.5	10.9	11.7	12.3
	3	10.3	10.9	11.5	10.2	10.8	11.4
	4	9.86	10.4	10.8	9.81	10.3	10.8
	5	9.53	10.0	10.4	9.49	9.98	10.4
	6	9.29	9.73	10.1	9.26	9.70	10.0
	7	9.10	9.51	9.86	9.07	9.48	9.83
	8	8.94	9.32	9.66	8.92	9.30	9.63
	9	8.81	9.17	9.49	8.79	9.15	9.46
	10	8.70	9.04	9.34	8.68	9.02	9.32
40	1	8.00	8.00	8.00	7.80	7.80	7.80
	2	13.0	13.8	14.5	12.9	13.7	14.4
	3	12.3	12.9	13.5	12.2	12.9	13.4
	4	11.8	12.4	12.8	11.8	12.3	12.8
	5	11.5	12.0	12.4	11.5	11.9	12.4
	6	11.3	11.7	12.1	11.2	11.7	12.1
	7	11.1	11.5	11.8	11.0	11.4	11.8
	8	10.9	11.3	11.6	10.9	11.3	11.6
	9	10.8	11.1	11.5	10.8	11.1	11.4
	10	10.7	11.0	11.3	10.7	11.0	11.3

TABLE 22

W=2000 LBS. A=7 SQ. FT. D=4 IN. L=30 FT.

V	S/N \ K/H	0.3			0.4		
		12	16	20	12	16	20
25	1	.816	.816	.816	.416	.416	.416
	2	2.83	2.83	2.83	2.43	2.43	2.43
	3	4.84	4.84	4.84	4.44	4.44	4.44
	4	6.51	6.86	6.86	6.41	6.46	6.46
	5	6.08	6.77	7.37	6.00	6.69	7.29
	6	5.76	6.38	6.93	5.69	6.31	6.87
	7	5.50	6.08	6.59	5.44	6.02	6.53
	8	5.29	5.83	6.31	5.24	5.78	6.26
	9	5.11	5.62	6.07	5.07	5.58	6.03
	10	4.96	5.45	5.87	4.92	5.41	5.83
30	1	1.70	1.70	1.70	1.30	1.30	1.30
	2	4.60	4.60	4.60	4.20	4.20	4.20
	3	7.50	7.50	7.50	7.10	7.10	7.10
	4	7.39	8.17	8.84	7.29	8.07	8.74
	5	6.97	7.65	8.26	6.89	7.57	8.18
	6	6.64	7.27	7.82	6.58	7.20	7.75
	7	6.39	6.96	7.47	6.33	6.91	7.42
	8	6.18	6.72	7.19	6.13	6.67	7.14
	9	6.00	6.51	6.96	5.96	6.47	6.91
	10	5.85	6.33	6.76	5.81	6.29	6.72
35	1	2.75	2.75	2.75	2.35	2.35	2.35
	2	6.70	6.70	6.70	6.30	6.30	6.30
	3	9.04	9.94	10.6	8.91	9.81	10.2
	4	8.44	9.21	9.89	8.34	9.11	9.79
	5	8.01	8.70	9.31	7.93	8.62	9.23
	6	7.69	8.32	8.87	7.62	8.25	8.80
	7	7.43	8.01	8.52	7.38	7.96	8.46
	8	7.22	7.76	8.24	7.17	7.71	8.19
	9	7.05	7.56	8.01	7.00	7.51	7.96
	10	6.90	7.38	7.81	6.86	7.34	7.77
40	1	3.96	3.96	3.96	3.56	3.56	3.56
	2	9.12	9.12	9.12	8.72	8.72	8.72
	3	10.2	11.1	11.9	10.1	11.0	11.8
	4	9.65	10.4	11.1	9.55	10.3	11.0
	5	9.22	9.91	10.5	9.14	9.83	10.4
	6	8.90	9.53	10.0	8.83	9.46	10.0
	7	8.64	9.22	9.73	8.59	9.17	9.67
	8	8.43	8.97	9.45	8.38	8.92	9.40
	9	8.26	8.77	9.22	8.21	8.72	9.17
	10	8.11	8.59	9.02	8.07	8.55	8.98

TABLE 23

W=2000 LBS. A=7 SQ. FT. D=4 IN. L=40 FT.

V	S \ K / N \ H	0.3			0.4		
		12	16	20	12	16	20
25	1	1.48	1.48	1.48	1.08	1.08	1.08
	2	4.17	4.17	4.17	3.77	3.77	3.77
	3	6.86	6.86	6.86	6.46	6.46	6.46
	4	7.18	7.95	8.63	7.08	7.85	8.53
	5	6.75	7.44	8.04	6.67	7.36	7.96
	6	6.43	7.05	7.60	6.36	6.99	7.54
	7	6.17	6.75	7.26	6.11	6.69	7.20
	8	5.96	6.50	6.98	5.91	6.45	6.93
	9	5.79	6.29	6.74	5.74	6.25	6.70
	10	5.64	6.12	6.54	5.60	6.08	6.50
30	1	2.67	2.67	2.67	2.27	2.27	2.27
	2	6.54	6.54	6.54	6.14	6.14	6.14
	3	8.96	9.86	10.4	8.83	9.73	10.0
	4	8.36	9.13	9.81	8.26	9.03	9.71
	5	7.93	8.62	9.23	7.85	8.54	9.15
	6	7.61	8.24	8.79	7.54	8.17	8.72
	7	7.35	7.93	8.44	7.30	7.87	8.38
	8	7.14	7.68	8.16	7.09	7.63	8.11
	9	6.97	7.48	7.93	6.92	7.43	7.88
	10	6.82	7.30	7.73	6.78	7.26	7.69
35	1	4.06	4.06	4.06	3.66	3.66	3.66
	2	9.33	9.33	9.33	8.93	8.93	8.93
	3	10.3	11.2	12.0	10.2	11.1	11.9
	4	9.76	10.5	11.2	9.66	10.4	11.1
	5	9.33	10.0	10.6	9.25	9.94	10.5
	6	9.01	9.63	10.1	8.94	9.57	10.1
	7	8.75	9.33	9.84	8.69	9.27	9.78
	8	8.54	9.08	9.56	8.49	9.03	9.51
	9	8.37	8.88	9.32	8.32	8.83	9.28
	10	8.22	8.70	9.12	8.18	8.66	9.08
40	1	5.68	5.68	5.68	5.28	5.28	5.28
	2	12.5	12.5	12.5	12.1	12.1	12.1
	3	11.9	12.8	13.6	11.8	12.7	13.5
	4	11.3	12.1	12.8	11.2	12.0	12.7
	5	10.9	11.6	12.2	10.8	11.5	12.1
	6	10.6	11.2	11.8	10.5	11.1	11.7
	7	10.3	10.9	11.4	10.3	10.8	11.3
	8	10.1	10.6	11.1	10.1	10.6	11.1
	9	9.98	10.4	10.9	9.93	10.4	10.8
	10	9.83	10.3	10.7	9.79	10.2	10.7

TABLE 24

W=2000 LBS. A=7 SQ. FT. D=4 IN. L=50 FT.

V	S/N \ K/H	0.3			0.4		
		12	16	20	12	16	20
25	1	2.16	2.16	2.16	1.76	1.76	1.76
	2	5.52	5.52	5.52	5.12	5.12	5.12
	3	8.45	8.88	8.88	8.32	8.48	8.48
	4	7.85	8.62	9.30	7.75	8.52	9.20
	5	7.42	8.11	8.72	7.34	8.03	8.64
	6	7.10	7.73	8.28	7.03	7.66	8.21
	7	6.84	7.42	7.93	6.79	7.36	7.87
	8	6.63	7.17	7.65	6.58	7.12	7.60
	9	6.46	6.97	7.41	6.41	6.92	7.37
	10	6.31	6.79	7.21	6.27	6.75	7.17
30	1	3.63	3.63	3.63	3.23	3.23	3.23
	2	8.47	8.47	8.47	8.07	8.07	8.07
	3	9.93	10.8	11.6	9.80	10.6	11.4
	4	9.33	10.1	10.7	9.23	10.0	10.6
	5	8.90	9.59	10.1	8.82	9.51	10.1
	6	8.58	9.20	9.75	8.51	9.14	9.69
	7	8.32	8.90	9.41	8.26	8.84	9.35
	8	8.11	8.65	9.13	8.06	8.60	9.08
	9	7.94	8.45	8.89	7.89	8.40	8.85
	10	7.79	8.27	8.69	7.75	8.23	8.65
35	1	5.38	5.38	5.38	4.98	4.98	4.98
	2	11.9	11.9	11.9	11.5	11.5	11.5
	3	11.6	12.5	13.3	11.5	12.4	13.2
	4	11.0	11.8	12.5	10.9	11.7	12.4
	5	10.6	11.3	11.9	10.5	11.2	11.8
	6	10.3	10.9	11.5	10.2	10.8	11.4
	7	10.0	10.6	11.1	10.0	10.5	11.1
	8	9.86	10.4	10.8	9.81	10.3	10.8
	9	9.68	10.1	10.6	9.64	10.1	10.6
	10	9.53	10.0	10.4	9.49	9.98	10.4
40	1	7.40	7.40	7.40	7.00	7.00	7.00
	2	14.6	15.7	16.0	14.4	15.5	15.6
	3	13.6	14.5	15.3	13.5	14.4	15.2
	4	13.0	13.8	14.5	12.9	13.7	14.4
	5	12.6	13.3	13.9	12.5	13.2	13.8
	6	12.3	12.9	13.5	12.2	12.9	13.4
	7	12.0	12.6	13.1	12.0	12.6	13.1
	8	11.8	12.4	12.8	11.8	12.3	12.8
	9	11.7	12.2	12.6	11.6	12.1	12.6
	10	11.5	12.0	12.4	11.5	11.9	12.4

Appendix D-Powered Platforms (§ 1910.66)

Use of the Appendix

Section I of Appendix D sets out the mandatory provisions for a Personal Fall Arrest System required in paragraph (j)(1) of this standard. Section II sets out test procedures which may be used to determine compliance with applicable requirememts contained in Section I of this Appendix. Section III provides nonmandatory guidelines which are intended to assist employers in complying with these provisions.

I. *Personal fall arrest systems.* (a) *Scope, application.* This section establishes the application and performance criteria for personal fall arrest systems.

(b) *Definitions.* (1) "Body belt" means a strap with means for securing it about the waist and for attaching it to a lanyard or deceleration device. A body belt may also include straps for securing the system about the rib cage in addition to the primary waist strap connection.

(2) "Buckle" means any device for holding the body belt or body harness closed around the employee's body.

(3) "Competent person" means a person who is capable of identifying hazardous or dangerous conditions in any component of a personal fall arrest system and related equipment.

(4) "Deceleration device" means any mechanism, such as rope grabs, ripstich lanyards, specially woven lanyards, automatic-self retracting lifelines, etc., which serve to dissipate a substantial amount of energy during a fall arrest.

(5) "Deceleration distance" means the vertical distance between the employee's body belt or body harness attachment point just prior to activation of the deceleration device during a fall, and after the attachment point comes to a full stop.

(6) "Fixed anchorage" means an independent secure point of attachment for lifeline, lanyards, or deceleration devices.

(7) "Force factor" means the ratio of the arresting force on a rigid metal mandrel to that on a human body having the same weight; both falling under identical conditions. For the purposes of this standard, a force factor of 1.4 to 1 is used.

(8) "Full body harness" ("body harness") means a design of straps which may be secured about the employee in a manner to distribute the arresting forces over at least the thighs, shoulders, and waist or chest with provisions for attaching a lanyard or deceleration device or both.

(9) "Free fall" means the act of falling, before the fall protection system begins to arrest the fall.

(10) "Free fall distance" means the vertical distance between the employee's body belt or body harness attachment points before and after the fall, excluding lanyard and lifeline elongation or deceleration distance.

(11) "Hardware" means parts, such as buckles, dee-rings, snap-hooks and other attachments in the system.

(12) "Snap-hook" means a self-closing device with a keeper or similar arrangement which will remain closed until manually released.

(13) "Strength factor" means the ratio of the minimum strength of a Personal Fall Arrest System, to the arresting force on a 250 pound (113.4 kg) person free falling a minimum of four feet (1.2 m), the length of the lanyard, or a maximum of six feet (1.8 m). For the purpose of this standard, a strength factor of 2 to 1 is used.

(14) "Total fall distance" means the maximum vertical distance between the employee's body belt or body harness attachment points before and after the fall is arrested, including lanyard extension and deceleration distance.

(15) "Personal Fall Arrest System" means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, hardware, a body belt or body harness, a lanyard or deceleration device and may include a lifeline, or a device which allows employees to lower themselves to the ground or lower work level.

(c) *Design criteria for system components.* (1) Hardware shall be drop forged, pressed or formed steel, or made of equivalent materials.

(2) Hardware shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to the attachment belt or lanyard.

(2) Hardware shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to the attachment belt or lanyard.

(3) Lanyards and vertical lifelines which tie-off one employee shall be capable of sustaining a minimum load of 5,000 pounds (22.2 kn).

(4) Self-retracting lifelines and lanyards which automatically limit total vertical fall distance to two feet (0.61) of less shall be capable of sustaining a minimum load of 3,000 pounds (13.3 kN).

(5) Dee-rings and snap-hooks shall be capable of sustaining a minimum tensile load of 5,000 pounds (22.2 kN)

(6) Horizontal lifelines shall have a tensile strength capable of sustaining a fall impact loading of at least 5,000 pounds (22.2 kN) per employee using the lifeline, applied anywhere along the lifeline.

(7) Personal Fall Arrest Systems, shall be secured to an anchorage capable of supporting the potential impact load of an employee's fall.

(d) *System performance criteria.* (1) A Personal Fall Arrest System shall:

(i) when subjected to a fall, not produce a maximum arresting force on an employee of more than 10 times gravity (based on a force factor of 1.4 to 1 for a rigid test weight), or 1800 pounds (8 kN) whichever is lower.

(ii) Bring an employee to a complete stop, with a deceleration distance of 42 inches (1.07 m) or less.

(iii) Contain a strength factor of not less than two to one, based on a design weight of 250 pounds (113 kg) per employee. This provision does not apply to lifelines, lanyards, anchorages, snap-hooks and dee-rings, which are covered by other provisions.

(2) Personal Fall Arrest Systems which meet the tests contain in Section II of this appendix shall be considered as complying with the provisions of (d)(1)(i) through (d)(1)(iii) above.

(e) Care and use.

(1) Snap-hooks shall not be connected to loops made in webbing lanyards.

(2) Snap-hooks shall not be connected to each other.

(3) Personal Fall Arrest Systems shall be rigged such that an employee cannot free fall more than six feet (1.8 m), nor contact any lower level.

(4) Personal Fall Arrest Systems shall be worn with the lanyard or deceleration device attachment point(s) positioned on or behind the wearer's hips, preferably in the center of the wearer's back, or positioned above the wearer's head.

(5) When vertical lifelines are used, each employees shall be provided with a separate lifeline.

(6) Not more than one snap-hook may be connected to any dee-ring.

(7) Personal Fall Arrest Systems or components shall be used only for employee protection.

(8) Personal Fall Arrest Systems or components subjected to impact loading shall be immediately removed from service and shall not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(9) Employees shall be trained before they use the equipment in the application limits, proper anchoring and tie-off techniques, including elongation and deceleration distance; methods for use; inspection and storage.

(f) *Inspections.* Personal Fall Arrest Systems, shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their strength is adversely affected.

II. *Test methods for personal fall arrest systems. (a) General.* The following sets forth test procedures which may be used to determine compliance with applicable requirements contained in Section I of this Appendix.

(b) *General test conditions.* (1) The lanyard length shall be measured from the fixed anchorage to the attachment on the body belt or body harness, with the system arranged in the same manner as it would be used in service. The fixed anchorage shall be rigid and shall not have a deflection greater than .04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.

(2) The body belt shall be affixed to a 300 pound (136 kg), 220 pound (100 kg) or 130 pound (59 kg) metal mandrel, as applicable, and the body harness shall be affixed to a 300 pound (136 kg), 220 pound (100 kg) or 130 pound (59 kg) torso-shaped test weight, as applicable, in a manner similar to that used by employees.

(3) The lanyard of the lifeline used to create the free fall distance shall be the one supplied with the system, or in its absence the worse case lanyard or lifeline intended to be used with the system.

(4) The test weight for each test shall be hoisted to the required level and shall be quickly and cleanly released without imparting any appreciable motion to it.

(5) The sample tests shall consist of one drop of each specified weight without failure. A new sample will be used for each test.

(6) Failure for the strength test shall consist of any breakage or slippage sufficient to permit the weight to fall free from the belt or harness. Following this test, the system need not be capable of further operation; however, such a non-use condition for deceleration devices shall be readily apparent.

(7) Failure of the force test shall be considered to have occurred if the recorded maximum arresting force exceeds 1800 pounds (8.0 kN) when using the 130 pound (kg) weight, and 2500 pounds when using the 220 pound (100 kg) weight. Following this test the system need not be capable of further operation; however, such a non-use condition for deceleration devices shall be readily apparent.

(8) The maximum elongation and deceleration distance, as applicable, shall be recorded during the strength test for lanyard systems and during the force test for other systems.

(c) *Strength test.* (1) The test weight of 300 pounds plus or minus five pounds (136 kg plus or minus 2.5 kg) shall be a rigid, metal cylindrical mandrel or torso shaped object with a girth of 38 inches plus or minus four inches (96 cm plus or minus 10 cm) and shall be used in the test procedure. Lanyard length shall be six feet plus or minus two inches (1.83 m plus or minus 5 cm). For rope grab type deceleration devices, the length of the lifeline above the centerline of the grabbing mechanism to the lifeline's anchorage point may not exceed two feet (0.61 m).

(2) The test weight shall fall free from a point that is 1.5 feet (46 cm) above the anchorage point, to its free hanging location (a total of 7.5 feet (2.3 m) free fall distance) without interference, obstruction, or hitting the floor or ground during the test.

This free fall distance (7.5 feet (2.3 m)) applies to:

a. Lanyard type systems;

b. Deceleration device systems which do not automatically limit free fall distance to two feet (0.61 m) or less; and

c. Deceleration device systems which have a connection distance in excess of one foot (0.3 m) (measured between the centerline of the lifeline and the attachment point of the body belt or harness).

(3) For deceleration devices with integral lifelines or lanyards which automatically limit free fall distance to two feet (0.61 m) or less, the test weight described in (c)(1), above, shall free fall a distance of four feet (1.22 m). Worst case, normal and permitted use situations of the system shall be evaluated.

(d) *Force test.* (1) For lanyard systems, the test weight of 130 pounds plus or minus three pounds (59 kg plus or minus 1.6 kg) shall be a rigid metal cylindrical mandrel or torso shaped object with girth of 38 inches plus or minus four inches (96 cm plus or minus 10 cm) and shall be used in the test procedure. Lanyard length shall be six feet plus or minus two inches (1.83 m plus or minus 5 cm). The test weight shall fall free from the anchorage level, a total of six feet (1.83 m) free fall distance, to its hanging location without interference, obstruction, or hitting the floor or ground during the test.

(2) For all other systems, the test weight of 220 pounds plus or minus three pounds (100 kg plus or minus 1.6 kg) shall be a rigid metal cylindrical mandrel or torso shaped object with a girth of 38 inches plus or minus four inches (96 cm plus or minus 10 cm) and shall be used in the test procedure. The fall distance to be used in the test shall be the maximum fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance for the test weight of six feet (1.83 m).

(a) For deceleration systems which have a connection link or lanyard, the test weight shall free fall a distance equal to the connection distance (measured between the centerline of the lifeline and the attachment point to the body belt or harness).

(b) For deceleration devices with integral lifelines or lanyards which automatically limit free fall distance, the test weight shall free fall during the test a distance equal to that permitted by the system in normal use. (For example, to test a system, with a self-retracting lifeline or lanyard, the test weight shall be supported and the system allowed to retract the lifeline or lanyard as it would in normal use. The test weight would then be released and the force and deceleration distance measured.)

(3) Worst case, normal and permitted use situations of the system shall be evaluated.

(e) *Deceleration device tests.* (1) A rope grab type deceleration device shall be removed on a lifeline 1,000 times over the same length of line a distance of not less than one foot (30.5 cm), and the mechanism shall lock each time. Unless the device is permanently marked to indicate the type of lifeline which must be used, a number of types (sizes, materials, etc.) of lifelines shall be used to evaluate the device. Also, consideration shall be given to the device's performance under conditions such as rain, ice, grease, dirt, age, type of lifeline, etc.

(2) Other self activating type deceleration devices designed for more than one arrest shall operate 1000 times as they would in normal service, without failure. Environmental conditions shall be considered.

(f) *Lanyard and lifeline tests.* The strength of lanyards and lifelines may be determined using Federal Standard 191 Test Method 6015 or 6016.

III. *Non-mandatory guidelines for personal fall arrest systems.* The following information is meant to serve as non-mandatory guidelines in complying with requirements for a Personal Fall Arrest System.

1. *Selection and use considerations.* The kind of Personal Fall Arrest System selected should match the particular work situation, and free fall distance should be kept to a minimum. Consideration should be given to the particular work environment. For example, the presence of acids, dirt, moisture, oil, grease, etc., and their affect on the system, should be evaluated. Also hot or cold work environments may have an adverse affect on the system. Wire rope should not be used where an electrical hazard is anticipated. Consideration should also be given to rescuing an employee should a fall occur since the employee may not be capable of reaching a work level independently. Additionally, the availability of ladders or other rescue equipment should be evaluated. In some situations, systems which incorporate an additional feature which allows employees to rescue themselves after the fall has been arrested (such as manually or automatically controlling descent to the ground or another work level) may be desirable. Such a system should be capable of being locked-off, and should be in the locked-off position except when moving from one level to another. When lanyards or lifelines are subject to damage by work operations, such as welding or sandblasting, other securing systems should be used. Unless tested as a Personal Fall Arrest System, linemen's pole straps should not be used as a lanyard. The employer should fully evaluate the work conditions and environment (including seasonal weather changes) before selecting the appropriate Personal Fall Arrest System, and once in use, its effectiveness should be monitored. The American National Standard, ANSI A10.14 is a useful guideline in the selection and use of fall protection equipment.

2. *Tie-off considerations.* Employers and employees should at all times be aware that the strength of a Personal Fall Arrest System, is based on an anchoring system which does not impart any significant reduction in strength to the system (such as an eye-bolt/snap-hook anchorage). Therefore, if a means of attachment is to be used that will reduce the strength of the system, the affected component should be replaced by a much stronger one, but one that will also maintain the appropriate maximum "g" deceleration characterstics. The following is a listing of some known strength reducing situations:

a. Tie-off using a knot in the lanyard or lifeline (at any location). The strength of the line can be reduced by 50 percent, or more, if a knot is used. Therefore, a stronger lanyard or lifeline should be used to compensate for the knot, or the lanyard length should be reduced (or the tie-off location raised) to minimize free fall distance.

b. Tie-off around a "H" or "I" beam or similar support. Strength can be reduced 42–72 percent by the cutting action of the beam edges, therefore use of webbing lanyard or wire core lifeline is required around the beam; or protection of the lanyard or lifeline from the beam edges is required; or free fall distance should be greatly minimized.

c. Tie-off around rough or sharp surfaces reduces strength drastically. Such a tie-off should be avoided, or an alternate means should be used such as a snap-hook/dee-ring connection; or a tie-off apparatus (steel cable tie-off, an effective padding of the surfaces, or an abrasion resistant strap around the supporting member).

d. *Horizontal lifelines.* Horizontal lifelines may, depending on their geometry, be subjected to greater loads than vertical lifelines, according to the amount of sag. The following table presents a conservative estimate (more typical of steel cable) of the ratio of the tension of the lifeline to the amount of tension imparted by the lanyard:

Table 1-Ratio of Lifeline Tension to Lanyard Tension vs Angle of Sag of Horizontal Lifeline

Angle of Sag	Tension Lifeline to Tension Lanyard (T_1/T)
2°	14.3
5°	5.7
10°	2.9
15°	1.9
30°	1.0

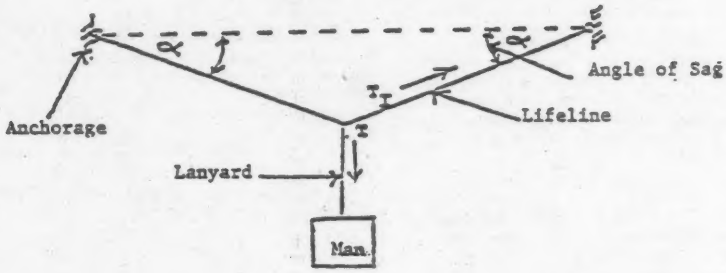


DIAGRAM of HORIZONTAL LIFELINE

Depending on the angle of sag, and the line's elasticity, the strength of the lifeline should be increased a number of times over that of the lanyard. The smaller the angle of sag, the more tension on the horizontal lifeline (see previous table and diagram). In addition, the horizontal strength of the two anchors supporting the lifeline should be capable of withstanding this force. Testing of the installed lifeline and anchors prior to use is recommended. In addition, the use of a single action snap-hook (one which will open by simply pressing the spring loaded keeper) should not be used to attach to the horizontal lifeline because of the possibility of it becoming disengaged during an accidental fall. This can occur by the action of either the lifeline or lanyard opening the keeper during the fall, or subsequent rebound falls during the arresting process.

e. *Eye-bolts.* It should be recognized that the strength of an eye-bolt is rated along the axis of the bolt, and that its strength is greatly reduced if the force is applied at right angles to this axis (in the direction of its shear strength). Also care should be exercised in selecting the proper diameter of the eye to avoid creating a roll-out hazard.

f. Due to a drastic reduction in the strength of the lifeline (as much as a 70 percent reduction), the sliding hitch knot should not be used except in situations where no other available system is practical. The one and one sliding hitch knot should never be used because it is unreliable in stopping the fall. The two and two, or three and three knot (preferable) may be used in special situations; however, care should be taken to limit free fall distance to a minimum because of reduced lifeline strength.

Preferably each employee should have an individual lifeline. The reason for this is that in multiple tie-offs to a single lifeline, if one employee falls, the movement of the lifeline during the arrest of the fall may pull other employees' lanyards causing them to fall also. This can occur with both vertical and horizontal lifelines. It may be possible by using non-elastic material (such as steel cable) tensioned between two or more solid anchorage points, or by using additional properly designed stanchions, to minimize this hazard, thus allowing multiple tie-offs. Extreme care should be taken in considering a system for multiple tie-offs. In addition, the strength of the lifeline should be increased for each worker added (minimum of 5,000 pounds (22.2kN) per employee) and the increased loading of horizontal lifelines should be accounted for (see (a)(4) above).

One of the most important aspects of personal fall arrest systems is fully planning the system *before* it is put into use. Probably the most overlooked component is planning for suitable anchorage points. Such planning should be done before the structure or building is constructed so that anchorage points can be incorporated during construction. If properly planned, these anchorage points may be used *during* construction, as well as afterwards.

Double locking snap hooks are highly recommended in lieu of the single action type. However, there may be some applications where the single action type is preferable. Double locking snap hooks incorporate a positive locking mechanism in addition to the spring loaded keeper, which will not allow the keeper to open under pressure without first releasing the mechansim. Such a feature effectively prevents roll-out from occurring.

The following connections should be avoided because they are known conditions which can result in roll-out when a single action snap-hook is used:

a. Direct connection to a horizontal lifeline (see last paragraph of (A)(4) above).

b. Two (or more) snap-hooks connected to one dee-ring.

c. Two snap-hooks connected to each other.

d. A snap-hook connected back on its integral lanyard.

e. A snap-hook connected a webbing loop or webbing lanyard.

f. Improper dimensions of the dee-ring, rebar, or other connection point in relation to the snap hook dimensions.

The employer and employee should at all times be aware that a lanyard systems' maximum "g" force is evaluated at a six foot (1.8 m) free fall distance. It should be noted that a few extra feet of free fall can significantly increase the "g" force on the employee, possibly to the point of causing injury. Because of this, the free fall distance should be kept at a minimum, and in no case greater than six feet (1.8 m). To assure this, the lanyard attachment point to the lifeline or anchor should be at or above the lanyard to belt attachment point. Attaching to the working surface will always result in a free fall greater than six feet (1.8 m). Another important consideration is that the arresting force which the fall system should withstand also goes up with greater distances of free fall, thus the strength of the system may be exceeded.

Another factor involved in a proper tie-off is elongation, deceleration distance, or both. During the arresting of a fall, a lanyard will experience elongation, and deceleration device will experience a stopping distance. These distances should be available with the lanyard or device's instructions and should be added to the free fall distance to arrive at the total fall distance before an employee is fully stopped. In addition, if a lifeline in used it will also experience elongation, and this distance may be very significant if the lanyard or deceleration device is attached near the end of a long lifeline. This total distance (or more) should be maintained between the employee and obstructions below, to prevent an injury due to impact before the system fully arrests the fall. In addition,a minimum of 12 feet (3.7 m) of lifelines should be allowed below the securing point of a rope grab type deceleration device and a knot tied at the end. Alternatively the lifeline should extend to the ground or the next working level below.

The location of the tie-off should also consider the hazard of obstructions in the area. Tie-offs which minimize the possibilities of exaggerated swinging should be considered. In addition, when a body belt is used, the employee's body will go through a horizontal position to a jack-knifed position during the arrest of the fall. Thus, obstructions which might interfere with this motion should be avoided or a severe head injury could occur.

Because of the design of some Personal Fall Arrest Systems, additional considerations may be required for proper tie-off. For example, heavy deceleration devices of the self-retracting type should be secured overhead in order to avoid the weight of the device having to be supported by the employee. In all cases, manufacturers' instructions should be followed.

3. *Testing.* Before purchasing a Personal Fall Arrest System, an employer should insist that the supplier provide information about the system based on its performance during testing of the system using recognized test methods. Section II of this appendix contains test methods which are recommended for evaluating a system's performance. Each system need not be tested; however, the performance of the system should be based on rationale and calculations derived from testing of similar systems.

4. *Compatible compqnents.* Ideally, a Personal Fall Arrest System is designed, tested, and supplied as a complete system. However, it is common parctice for lanyards, lifelines, deceleration devices, body belts and body harnesses to be interchanged since some components wear out before others. The employer and employee should realize that all components are not interchangeable. For instance, a lanyard should not be connected between a body belt (or harness) and a deceleration device of the self-retracting type. Any substitution or change to the Personal Fall Arrest System should be fully evaluated or tested by a competent person before the new system is put in use.

5. *Employee training.* Thorough and repeated employee training in the selection and use of Personal Fall Arrest Systems is imperative. Before they use the equipment, employees shall be trained in the application limits; proper anchoring and tie-off techniques, including elongation and deceleration distance; methods of use; and inspection and storage of a Personal Fall Arrest System. Careless or improper use of the equipment can result in serious injury or death. Employers and employees should become familiar with the material in this appendix, as well as manufacturers' recommendations, before a system is used. Of uppermost importance is the reduction in strength caused by certain tie-offs (some of which are common) and maximum free fall distance. Also to be stressed is the importance of inspections prior to use, the limitations of the equipment, and application considerations.

6. *Instructions.* Employers should obtain from the supplier of the system users instructions which include:

a. The force measured during the same force test;

b. The maximum elongation measured for lanyards during the sample strength test;

c. the deceleration distance measured for deceleration devices during the sample force test;

d. Critical use limitation caution statements;

e. Application limits;

f. Proper anchoring and tie-off techniques;

g. Methods of inspection, use, cleaning, and storage;

h. Specific lifelines which may be used, if applicable.

This information should be provided to employees during training.

7. *Inspections.* Personal Fall Arrest Systems should be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, undue stretching, alterations or additions which might affect its efficiency, damage due to deterioration, contact with fire, acids, or other corrosives, distorted hooks or faulty hook springs, tongues unfitted to the shoulder of buckles, or wearing or internal deterioration in the ropes should be withdrawn from service immediately, and tagged or marked as unuseable or destroyed.

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federal register

Tuesday
January 22, 1985

Part III

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Request for Public Comment on "Points to Consider in the Design and Submission of Human Somatic-Cell Gene Therapy Protocols"; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Request for Public Comment on "Points to Consider in the Design and Submission of Human Somatic-Cell Gene Therapy Protocols"

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Request for public comment.

SUMMARY: This notice publishes for public comment "Points to Consider in the Design and Submission of Human Somatic-Cell Gene Therapy Protocols" which was prepared by the Working Group on Human Gene Therapy of the National Institutes of Health (NIH) Recombinant DNA Advisory Committee (RAC).

DATES: Comments must be received by February 21, 1985.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, Building 31, Room 3B10, National Institutes of Health, Bethesda, Maryland 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Background information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities, Building 31, Room 3B10, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–6051.

SUPPLEMENTARY INFORMATION:

Background

At its April 11, 1983, meeting, the NIH Recombinant DNA Advisory Committee (RAC) endorsed a proposal to form a working group to comment and report to RAC on the "Report on the Social and Ethical Issues of Genetic Engineering with Human Beings" issued by the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. The President's Commission began its study in September 1980 in response to a request of the President's Science Advisor. Concern had been expressed earlier that year by the Nation's three major religious associations that no governmental body was "exercising adequate oversight or control, nor addressing the fundamental ethical questions in a major way." The Commission's report, issued in November 1982, concluded that continuing oversight of the field is desirable and suggested that one possible oversight mechanism could be revising RAC's responsibilities.

The RAC Working Group for Development of Response to President's Commission's Report on Social and Ethical Issues met at the NIH on June 24, 1983, and prepared a proposal for consideration by the full RAC at its September 19, 1983, meeting.

The working group's primary recommendations were that:

1. The membership of the RAC be modified to include adequate representation to deal credibly with these issues.

2. Procedures should be developed for the coordinate consideration of experiments involving the use of recombinant DNA technology in humans by the Institutional Review Boards (IRBs), the Office for Protection from Research Risks (OPRR), the Food and Drug Administration (FDA), the Institutional Biosafety Committees (IBCs), the Office of Recombinant DNA Activities (ORDA), and the Recombinant DNA Advisory Committee (RAC).

3. The NIH Guidelines for Research Involving Recombinant DNA Molecules should be reviewed for their adequacy and clarity in dealing with human experimentation.

The RAC discussed this proposal at its September 19, 1983, meeting. It was noted that the recommendations were based on several premises. These are: (1) There is currently no other national body that deals with ethical issues in the biomedical field; (2) RAC's expertise would be supplemented by adding experts in the ethical issues of using human subjects; and (3) RAC would review proposals on a case-by-case basis in response to investigator-initiated research. RAC's review would supplement review by IBCs and IRBs.

The RAC unanimously accepted the working group's recommendations. The RAC Working Group on Social and Ethical Issues (formerly called the RAC Working Group for Development of Response to President's Commissions' Report on Social and Ethical Issues) met at the NIH on December 13, 1983. The working group requested that the following modifications to the Guidelines be published for comment and be considered by the RAC at its February 1984 meeting.

1. A new Section III–A–4 would be added to Section III–A, *Experiments that Require RAC Review and NIH and IBC Approval Before Initiation*, of the NIH Guidelines for Research Involving Recombinant DNA Molecules:

III–A–4. Deliberate transfer of recombinant DNA or DNA derived from recombinant DNA into human subjects. The requirement for RAC review should not be considered to preempt any other required review of experiments with human subjects. IRB review of the proposal should be completed before subission to NIH.

2. Section III–B–4–b of Section III–B–4, *Recombinant DNA Experiments Involving Whole Animals or Plants*, would be footnoted. Section III–B–4–b reads as follows:

III–B–4–b. For all experiments involving whole animals and plants and not covered by III–B–4–a, the appropiate containment will be determined by the IBC.

3. A footnote concerning Section III–B–4–b of Section III–B–4, *Recombinant DNA Experiments Involving Whole Animals of Plants* would be added to Section V, *Footnotes and References of Sections I–IV*, as follows:

For recombinant DNA experiments involving human subjects, see Section III–A–4.

In addition, the Working Group on Social and Ethical Issues suggested that a working group composed of 9 members (including Chair) be formed to conduct initial review of proposals for experiments involving human subjects submitted to the RAC. Individuals with expertise in basic science, clinical medicine, law, and ethics would be appointed to the working group. Liaison members from the Food and Drug Administration and the Office for Protection from Research Risks would also be appointed. The working group might use as resource material reports such as "Splicing Life" prepared by the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

The working group proposal was published in the January 5, 1984, **Federal Register** (49 FR 696). No comments were received during the comment period.

The RAC discussed this proposal at its February 6, 1984, meeting. It was pointed out that the phrase "or DNA derived from recombinant DNA" was included in the proposed Section III–A–4 to keep coverage under this Section of the Guidelines even if the DNA to be introduced into the human subject is first cleaved from the vector and, therefore, no longer "recombinant DNA."

By a vote of fifteen in favor, none opposed, and two abstentions, the RAC recommended that the changes in the

Guidelines proposed by the working group and published in the January 5, 1984, **Federal Register** be accepted.

This recommendation was accepted by the Director, NIAID, in a notice published in the April 25, 1984, **Federal Register** (49 FR 17844). However, concerns were raised about the intended scope of the new Section III–A–4; e.g., would this language be construed to cover feeding of bacteria containing recombinant DNA or the administration of vaccines containing recombinant DNA to human subjects. On checking with members of the Working Group on Social and Ethical Issues, the Director, NIAID, verified that it was their intent to include under Section III–A–4 only experiments in which the intent is to modify stably the genome of cells of a human subject and not experiments involving feeding of bacteria containing recombinant DNA or the administration of vaccines containing recombinant DNA. The following clarifying footnote was, therefore, added to Section III–A–4:

> Section III–A–4 only covers those experiments in which the intent is to modify stably the genome of cells of a human subject. Other experiments involving recombinant DNA in human subjects such as feeding of bacteria containing recombinant DNA or the administration of vaccines containing recombinant DNA are not covered in Section III–A–4 of the Guidelines.

In addition, appropriate clarifying language was added to the new footnote concerning Section III–B–4–b.

The RAC Working Group on Human Gene Therapy held its first meeting (open to the public) on October 12, 1984. At the October 29, 1984, RAC meeting, the Chair of the working group presented a progress report and a draft outline of the Points to Consider in the Design and Submission of Human Somatic-Cell Gene Therapy Protocols. At a second meeting (open to the public) held on november 16, 1984, the working group further refined the document that follows. The draft that emerged from the November 16 meeting was circulated to all members of the RAC and the working group for comments, and numerous suggested changes were incorporated into the document.

The Working Group on Human Gene Therapy is comprised of three laboratory scientists, three clinicians, three ethicists, three lawyers, two specialists in public policy, and a representative of the public. The group is assisted by an executive secretary, three liaison members, and a consultant. The names and institutional affiliations of these persons follow:

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Points to Consider in the Design and Submission of Human Somatic-Cell Gene Therapy Protocols

The following "Points to Consider" document prepared by the RAC Working Group on Human Gene Therapy is now published for public comment and is being sent to all Institutional Review Boards (IRB) for comment. Comments received will be circulated to all RAC and working group members. The working group will then meet to review the public comments. The "Points to Consider" document and the public comments received will be considered at the next RAC meeting.

Points To Consider in the Design and Submission of Human Somatic-Cell Gene Therapy Protocols

Working Group on Human Gene Therapy
NIH Recombinant DNA Advisory Committee

Outline

Introduction
I. Description of Proposal
A. Objectives and rationale of the proposed research
B. Reseach design, anticipated risks and benefits
1. Structure and characteristics of the biological system
2. Preclinical studies, including risk assessment studies
3. Clinical procedures, including patient monitoring
4. Public-health considerations
5. Qualifications of investigators, adequacy of laboratory and clinical facilities
C. Selection of subjects
D. Informed consent
E. Privacy and confidentiality
II. Social Issues
A. Provision of accurate information to the public
B. Timely communication of reseach methods and results to investigators and clinicians
C. Other concerns of society
III. Requested documentation
A. Original protocol
B. IRB and IBC minutes and recommendations
C. One-page abstract of gene therapy protocol
D. *Curricula vitae* for professional personnel
E. Responses to the questions raised in these "Points to Consider"
F. Indication of other federal agencies to which the protocol is being submitted
G. Other pertinent material

Points to Consider in the Design and Submission of Human Somatic-Cell Gene Therapy Protocols

Introduction

Experiments in which recombinant DNA[1] is introduced into cells of a human subject with the intent of stably modifying the subject's genome are covered by Section III–A–4 of the National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules (49 FR 46266). Section III–A–4 requires such experiments to be reviewed by the NIH Recombinant DNA Advisory Committee (RAC) and approved by the NIH. RAC consideration of each proposal will follow publication of a precis of the proposal in the **Federal Register**, an opportunity for public comment, and review of the proposal by a working group of the RAC. RAC recommendations on each proposal will be forwarded to the NIH Director for a decision, which will then be published in the **Federal Register.** In accordance with Section IV–C–1–B of the NIH Guidelines, the NIH Director may approve proposals only if he finds that they present "no significant risk to health or the environment."

In general, it is expected that somatic-cell gene therapy protocols will not present a risk to the environment as the recombinant DNA is expected to be confined to the human subject. Nevertheless, item I–B–4–b of the "Points to Consider" document asks the researchers to address specifically this point.

This document is intended to provide guidance in preparing proposals for NIH consideration under Section III–A–4. Not every point mentioned in the document will necessarily require attention in every proposal. It is expected that the document will be considered for revision at least annually as experience in evaluating proposals accumulates.

A proposal will be considered by the RAC only after the protocol has been approved by the local Institutional Biosafety Committee (IBC) and by the local Institutional Review Board (IRB) in accordance with Department of Health and Human Service regulations for the protection of human subjects (45 CFR, Part 46). If a proposal involves children, special attention should be paid to Subpart D of these regulations. The IRB and IBC, may at their discretion, condition their approval on further specific deliberation by the RAC and its working group. Consideraion of gene therapy proposals by the RAC may proceed simultaneously with review by any other involved federal agencies (e.g., the Food and Drug Administration) provided that the RAC is notified of the simultaneous review. The committee expects that the first proposals submitted for RAC review will contain no proprietary information on trade secrets; therefore, the review will be open to the public. The public review of these protocols will serve to educate the public not only on the technical aspects of the proposals but also on the meaning and significance of the research.

The clinical application of recombinant DNA techniques to human gene therapy raises two general kinds of questions. Part I of this document deals with the short-term risks and benefits of the proposed research to the patient[2] and to other people as well as with issues of equity in the selection of subjects, informed consent, and privacy and confidentiality. In Part II, investigators are requested to address broader ethical and social issues pertaining to the research and its longer-term implications. These broader questions go beyond the usual purview of IRBs and reflect the kinds of public concerns discussed by a recent presidential commission in its report entitled *Splicing Life: The Social and Ethical Issues of Genetic Engineering with Human Beings.* Responses to the questions raised in these "Points to Consider" should be in the form of either written answers or references to specific sections of the protocol or other documentation which accompanies the proposal. In addition, Part III of the "Points to Consider" summarizes other documentation that will assist the RAC and its working group in their review of gene therapy proposals.

I. Description of Proposal

A. *Objectives and rationale of the proposed research.* State concisely the overall objectives and rationale of the proposed study. Please provide information on the following specific points:

1. Why the disease selected for treatment by means of gene therapy a good candidate for such treatment?

2. Describe the natural history and range of expression of the disease selected for treatment. In your view, are the usual effects of the disease predictable enough to allow for meaningful assessment of the results of gene therapy?

3. is the protocol designed to prevent all manifestations of the disease, to halt the progression of the disease after symptoms have begun to appear, or to reverse manifestations of the disease in seriously ill victims?

4. What alternative therapies exist? In what groups of patients are these therapies effective? What are their relative advantages and disadvantages as compared with the proposed gene therapy?

B. *Research design, anticipated risks and benefits.* 1. *Structure and characteristics of the biological system.* Provide a full description of the methods and reagents to be employed for gene delivery and the rationale for their use. The following are specific points to be addressed:

[1] Experiments using retroviruses (RNA) as vectors are also covered by the NIH Guidelines for Research Involving Recombinant DNA Molecules and hence by this document. Section III–A–4 applies to both recombinant DNA and DNA derived from recombinant DNA.

[2] The term "patient" and its variants are used in the text as a shorthand designation for "patient-subject."

a. What is the structure of the cloned DNA that will be used?

(1) Describe the gene (genomic or cDNA), the bacterial plasmid or phage vector, and the delivery vectory (if any). Provide complete sequence analysis or a detailed restriction map of the total constuct.

(2) What regulatory elements does the construct contain (e.g., promoters, enhancers, polyadenylation sites, replication origins, etc.)?

(3) Describe the Steps used to derive the DNA construct.

b. What is the structure of the material that will be administered to the patient?

(1) Describe the preparation and structure of all materials that will be given to the patient or used to treat the patient's cells.

(a) If DNA, what is the purity (both in terms of being a single DNA species and in terms of other contaminants)? What tests have been used and what is the sensitivity of the tests?

(b) If a virus, how is it prepared from the DNA construct? In what cell is the virus grown (any special features)? What medium and serum are used? How is the virus purified? What is its structure and purity? What steps are being taken (and assays used with their sensitivity) to detect and eliminate any contaminating materials (DNA, proteins, etc.) or contaminating viruses or other organisms in the cells or serum?

(2) Describe any other material to be used in preparation of the material to be administered to the patient. For example, if a viral vector is proposed, what is the nature of the helper virus or cell line? If carrier particles are to be used, what is the nature of these?

2. *Preclinical studies, including risk-assessment studies.* Describe the experimental basis (derived from tests in cultured cells and laboratory animals) for claims about the efficacy and safety of the proposed system for gene delivery.

a. *Laboratory studies of the delivery system.* (1) What cells are the intended recipients of gene therapy? If recipient cells are to be treated *in vitro* and returned to the patient, how will the cells be characterized before and after treatment? What is the theoretical and practical basis for assuming that only the treated cells will act as recipients?

(2) Is the delivery system efficient in the sense that it results in the insertion of the desired unrearranged DNA sequences into an adequate number of the patient's cells?

(3) How is the structure of the added DNA sequences monitored and what is the sensitivity of the analysis? Is the added DNA extrachromosomal or integrated?

(4) How many copies are inserted per cell? How stable is the inserted DNA both in terms of its continued presence and its structural stability?

b. *Laboratory studies of gene expression.* Is the inserted gene expressed? To what extent is expression only from the desired gene (and not from the surrounding DNA)?

In what percentage of cells does expression occur? Is the product biologically active? What percentage of normal activity results from the inserted gene? Is the gene expressed in cells other than the target cells? If so, to what extent?

c. *Laboratory studies pertaining to the safety of the delivery/expression system.* (1) If a retroviral system is used:

(a) What cell types have been infected with the retroviral vector preparation? Which cells, if any, produce infectious particles?

(b) How stable are the retroviral vector and the resulting provirus against loss, rearrangement, recombination, or mutation? What information is available on how much rearrangement or recombination with endogenous or other viral sequences is likely to occur in the patient's cells? What steps have been taken in designing the vector to minimize instability or variation? What laboratory studies have been performed to check for stability, and what is the sensitivity of the analyses?

(c) What laboratory evidence is available concerning potential harmful effects of the treatment, e.g., malignancy, harmful mutations, regeneration of infectious particles, or immune responses? What steps have been taken in designing the vector to minimize pathogenicity? What laboratory studies have been performed to check for pathogenicity, and what is the sensitivity of the analyses?

(d) Is there evidence from animal studies that vector DNA has entered untreated cells or specifically germline cells? What is the sensitivity of the analyses?

(e) Has a protocol similar to the one proposed for a clinical trial been carried out in non-human primates and with what results? Specifically, is there any evidence that the retroviral vector has recombined with any endogenous or other viral sequences in the animals?

(2) If a non-retroviral delivery system is used: What animal studies have been done to determine if there are pathological or other undesirable consequences of the protocol (including insertion of DNA into cells other than those treated)? What tests have been used and what is their sensitivity?

3. *Clinical procedures, including patient monitoring.* Describe the treatment that will be administered to patients and the diagnostic methods that will be used to monitor the success or failure of the treatment.

a. Will cells (e.g., bone marrow cells) be removed from patients and treated *in vitro* in preparation for gene therapy? If so, what kinds of cells will be removed from the patients, how many, how often, and at what intervals?

b. Will patients be treated to eliminate or reduce the number of cells containing malfunctioning genes (e.g., through radiation or chemotherapy) prior to gene therapy?

c. What treated cells (or vector/DNA combination) will be given to patients in the attempt to administer gene therapy? How will the treated cells be administered? What volume of cells will be used? Will there be single or multiple treatments? If so, over what period of time?

d. What are the clinical endpoints of the study? How will patients be monitored to assess specific effects of the treatment on the disease? What is the sensitivity of the analyses? How frequently will follow-up studies be done? How long will patient follow-up continue?

e. What are the major potential beneficial and adverse effects of treatment that you anticipate? What measures will be taken in an attempt to control or reverse these adverse effects if they occur? Compare the probability and magnitude of potential adverse effects on patients with the probability and magnitude of deleterious consequences from the disease if gene therapy is not performed.

f. Serious adverse effects of treatment should be reported immediately to both your local IRB the and NIH Office for Protection from Research Risks (phone: 301–496–7005).

g. Reports regarding the general progress of patients should be filed at six-month intervals with both your local IRB and the NIH Office of Recombinant DNA Activities (phone: 301–496–6051). These twice-yearly reports should continue for a sufficient period of time to allow observation of all major effects (at least three to five years).

h. If a treated patient dies, will an autopsy be requested? If so, please indicate what special studies, if any, will be performed.

4. *Public health considerations.* Describe the potential benefits and hazards of the proposed therapy to persons other than the patients being treated.

a. What potential benefits or hazards are postulated?

b. Is there any expectation that the recombinant DNA will spread from the patient to others or to the environment?

c. What precautions will be taken, if any, to protect others (e.g., patients sharing a room, health-care workers, or family members) from such potential hazards?

5. *Qualifications of investigators, adequacy of laboratory and clinical facilities.* Indicate the relevant training and experience of the personnel who will be involved in the preclinical studies and clinical administration of gene therapy. In addition, please describe the laboratory and clinical facilities where the proposed study will be performed.

a. What professional personnel (medical and nomedical) will be involved in the proposed study? What are their specific qualifications and experience with respect to the disease to be treated and with respect to the techniques employed in molecular biology? Please provide *curricula vitae.*

b. At what hospital or clinic will the treatment be given? Which facilities of the hospital or clinic will be especially important for the proposed study? Will patients occupy regular hospital beds or clinical research center beds?

C. *Selection of subjects.* Estimate the number of patients to be involved in the proposed study of gene therapy. Describe recruitment procedures and patient eligibility requirements. Indicate how equity consideration in the selection of subjects will be handled.

2. How many eligible patients do you anticipate being able to identify each year?

3. What recruitment procedures do you plan to use?

4. What selection criteria do you plan to employ? What are the exclusion and inclusion criteria for the study?

5. What equity issues, if any, are likely to arise in the selection of patients? How will these issues be addressed?

D. *Informed consent.* Indicate how patients will be informed about the proposed study and how their consent will be solicited. If the study involves pediatric or metally handicapped patients, describe procedures for seeking the permission of parents or guardians and, where applicable, the assent of each patient. Areas of special concern include potential adverse effects, financial costs, privacy, and the right to withdraw from further participation in the study.

1. Will the major points covered in IA–IC of this document be disclosed to potential participants in this study and/or parents or guardians in language that is understandable to them? (Include a copy of the patient consent form as part of the documentation requested in Part II below).

2. Will the innovative character and the theoretically-possible adverse effects of gene therapy be discussed with patients and/or parents or guardians? Will the potential adverse effects be compared with the consequences of the disease? What will be said to convey that some these adverse effects, if they occur, could be irreversible?

3. Will the financial costs of gene therapy and any available alternative therapies be explained to patients and/or parents or guardians?

4. Will patients and/or parents or guardians be informed that the innovative character of gene therapy may lead to great interest by the media in the research and in treated patients? What special procedures, if any, will be followed to protect the privacy of patients and their families?

5. Will patients and/or their parents or guardians be informed of their right to withdraw at any time from the proposed study and of the consequences of withdrawal at the various stages of the experiment? State the extent to which subjects will be specifically advised of the reversibility or irreversibility of procedures that are performed during the course of the experiment.

E. *Privacy and confidentiality.* Indicate what measures will be taken to protect the privacy of gene therapy patients and their families as well as to maintain the confidentiality of research data.

1. What provisions will be made to honor the wishes of individual patients (and the parents or guardians of pediatric or mentally handicapped patients) as to whether, when, or how the identity of patients is publicly disclosed?

2. What provision will be made to maintain the confidentiality of research data, at least in cases where data could be linked to individual patients?

II. Social Issues

The following issues are beyond the normal purview of local IRBs. However, since these issues have arisen in public debates about human gene therapy and the potential future applications of genetic techniques, the RAC and its working group request that investigators respond to questions A and B below and discuss, at their discretion, the general issues enumerated in point C.

A. What steps will be taken to ensure that accurate information is made available to the public with respect to such public concerns as may arise from the proposed study?

B. Do you or your funding sources intend to protect under patent or trade secret laws either the products or the procedures developed in the proposed study? If so, what steps will be taken to permit as full communication as possible among investigators and clinicians concerning research methods and results?

C. The following issues will also be considered by the RAC and its working group in reviewing each gene therapy proposal:

1. How strong is the evidence that the proposed somatic-cell gene therapy will not affect the reproductive cells of patients?

2. Is the proposed somatic-cell gene therapy and extension of existing methods of health care, or does it represent a distinct departure from present treatments of disease?

3. Is it likely that somatic-cell therapy for human genetic disease will lead to: (a) germ-line gene therapy, (b) the enhancement of human capabilities through genetic means, or (c) eugenic programs encouraged or even mandated by governments?

III. Requested Documentation

In addition to responses to the questions raised in these "Points to Consider," please submit the following materials:

A. Your protocol (including consent form) as approved by your local IRB and IBC.

B. Local IRB and IBC minutes and recommendations that pertain to your protocol.

C. A one-page abstract of the gene therapy protocol.

D. *Curricula vitae* for professional personnel.

E. An indication of other federal agencies to which the protocol is being submitted for review.

F. Any other material which you believe will aid in the review.

G. Other pertinent materials.

Dated: January 11, 1985.

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these

programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 85-1463 Filed 1-18-85; 8:45 am]

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Reader Aids

Federal Register

Vol. 50, No. 14

Tuesday, January 22, 1985

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-2867
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230
United States Government Manual	523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-210.....2
211-426.....3
427-720.....4
721-916.....7
917-1038.....8
1039-1202.....9
1203-1428.....10
1429-1812.....11
1813-2038.....14
2039-2272.....15
2273-2538.....16
2539-2658.....17
2659-2770.....18
2771-2946.....22

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12291 (See EO 12498).....1036
12456 (Superseded by EO 12496).....211
12462 (Amended by EO 12497).....229
12496.....211
12497.....229
12498.....1036

Proclamations:
5201 (See Proc. 5291).....223
5290.....1
5291.....223
5292.....2536

5 CFR

531.....427
536.....427
553.....2039
734.....1203
735.....1203
737.....1203

Proposed Rules:
831.....473, 2575

7 CFR

Ch. I.....1813
Ch. VII.....1813
46.....428
58.....3
354.....721
271.....2659
371.....2660
401.....1814
408.....1205
425.....2039
427.....1039
434.....1814
436.....1819
437.....1824
800.....2273
810.....1039
905.....231
907.....5, 231, 1039, 1429, 2274, 2661
908.....231, 1429
910.....428, 1206, 1829, 2661
912.....231
913.....231
917.....231
928.....231, 1438, 1439
932.....231, 2539
959.....5
966.....5
971.....5
979.....5
982.....2539
987.....5
989.....1830
1446.....2541
1930.....1206
1944.....1206
1965.....1206
3015.....1040

Proposed Rules:
53.....2055
54.....2055
403.....2055
800.....948
920.....835
1030.....280
1094.....2678
1124.....1540
1136.....815
1205.....2575
1407.....2578
1804.....815
1924.....815

8 CFR

238.....1206
292.....2040

9 CFR

72.....429, 430
73.....430
92.....1040, 1207
97.....722
113.....431, 439, 1041
307.....723
318.....6
350.....723
351.....723
354.....723
355.....723
362.....723
381.....6, 723

Proposed Rules:
93.....1863
101.....1230
114.....1230
145.....2684
147.....2684
322.....1540
381.....280, 1540

10 CFR

440.....708

Proposed Rules:
2.....2579
40.....2293
50.....2056
60.....2579
903.....206

11 CFR

Proposed Rules:
Ch. I.....477

12 CFR

5.....1439

201.....444
304.....7
337.....2274
346.....1209
505d.....7
545.....1043, 2662

Proposed Rules:
225.....2057
535.....1863

13 CFR

Ch. I.....917
112.....1441
113.....1442
120.....725
123.....704
305.....725

14 CFR

Ch. II.....451, 1209, 2374
21.....7
39.....10, 445–448, 2040–2045, 2274, 2771–2774
71.....726–728, 2275, 2542 2775
97.....449, 2776
121.....450
135.....450
241.....10, 232
245.....453
246.....453
291.....453
298.....14
310b.....454
312.....454
370.....455
385.....22
399.....455
1215.....2777

Proposed Rules:
33.....1542
39.....280, 478, 479, 2059–2063, 2293, 2824
71.....90–93, 1232, 1866, 1867, 2294, 2825, 2826
73.....2827
91.....949
121.....949
125.....949
135.....949
211.....95
223.....480
241.....101
272.....95
302.....95
323.....481
383.....482

15 CFR

0.....928, 2276
325.....1804
377.....729
399.....2276

Proposed Rules:
377.....835, 2064

16 CFR

13.....2277

Proposed Rules:
13.....2065
443.....2829
456.....598

17 CFR

1.....22, 928
31.....22, 2283
240.....730, 1442
249.....1442
270.....1442
274.....1442
275.....1442, 2542

Proposed Rules:
31.....102
190.....102
239.....1542
240.....2690
274.....1542

18 CFR

154.....2283
271.....931, 2778

Proposed Rules:
157.....114
271.....2829
284.....114
501.....956
502.....956
503.....956
504.....956
505.....956
506.....956
507.....956
508.....956

19 CFR

12.....1043
113.....739
141.....1499
177.....1044

Proposed Rules:
4.....1060
6.....1544
18.....1545, 1546
101.....1063
103.....1233
114.....1546
134.....1064

20 CFR

404.....1831
701.....384
702.....384
703.....384

21 CFR

105.....1833
107.....1833
173.....61
175.....1500
176.....1209, 1500
177.....1501, 1841
178.....62–64, 1502, 1842
430.....1503
436.....1503
440.....1503
446.....1503
448.....1503
450.....1503
452.....1503
455.....1503
520.....64, 1045
524.....739
540.....2779
558.....1842
561.....2283
1316.....2046

Proposed Rules
133.....119, 120
148.....2693
193.....120
310.....2160, 2168, 2184, 2200
331.....2160
333.....2172
334.....2124
341.....2160, 2220
357.....2244
442.....253
510.....254
522.....254
558.....254
866.....414

22 CFR

308.....1844

23 CFR

Proposed Rules:
650.....2694

24 CFR

Ch. II.....2779
200.....2781
570.....1505
885.....2781
965.....456

Proposed Rules:
200.....1233
203.....1233
220.....1233
228.....1233
232.....2830

26 CFR

1.....740, 747
31.....747
54.....747

Proposed Rules:
1.....836, 837
31.....836
54.....836

27 CFR

4.....758, 759
9.....255, 2782

Proposed Rules:
4.....960, 2832
5.....960
7.....960
240.....2832

28 CFR

540.....410
550.....410

29 CFR

1625.....2543
1627.....2543
1910.....64, 1046
2622.....1210

Proposed Rules:
1910.....1547, 2890
1952.....2440–2491
2510.....961
2550.....961
2610.....1065

30 CFR

229.....2663
701.....257
762.....257
816.....257
817.....257
913.....1507
920.....2782
926.....258
931.....456
934.....260

Proposed Rules:
250.....838, 1549
401.....956
884.....483
886.....483
913.....485
914.....281
917.....283
935.....284
938.....486
950.....1869

31 CFR

129.....262
209.....263
210.....263
240.....263

32 CFR

63.....2665
166.....77
505.....932
706.....1210–1212

33 CFR

110.....1849
117.....1212, 1849, 2545, 2546 2785, 2786

Proposed Rules
110.....859, 1869
117.....122, 860, 861, 1069, 2590

34 CFR

690.....1178

36 CFR

2.....1850
223.....458
1155.....1032, 2284

Proposed Rules:
7.....973
223.....488, 2591

37 CFR

211.....263

Proposed Rules:
1.....2294

38 CFR

Proposed Rules:
21.....1549

39 CFR

10.....763
111.....2787

Proposed Rules:
10.....2070
111.....1870
265.....1069

40 CFR

35.....1774
52.....459, 764–769, 3932, 1213, 2820
60.....933, 1164
61.....933
65.....772–775, 935
81.....935, 1509
130.....1774
136.....690, 695
180.....61, 1050–1054, 2546, 2547
260.....273, 614

261.....614, 1978
264.....614, 1978
265.....614, 1978
266.....614
270.....1978
271.....775, 1513, 1515, 2550, 2820, 2821
704.....1215, 2046
775.....1978

Proposed Rules:
51.....974
52.....123, 285, 493, 862–
81.....2832
865, 975, 1880
61.....1182
80.....718
81.....286
136.....697
147.....2696
153.....1070
180.....125, 1071, 2296, 2533
264.....1238
266.....1684
721.....127

41 CFR

101–11.....81
101–41.....938
101–49.....82

42 CFR

36.....1852
71.....1516
122.....2008
123.....2008
405.....1314
417.....1314

43 CFR

20.....2671
1880.....1304
2880.....1308
3110.....2048

Public Land Orders:
6581.....1055
6582.....2551

Proposed Rules:
Subtitle A.....1550
2.....286, 1072
2800.....2697
2880.....2697
3140.....1300

44 CFR

64.....84, 1856, 1857

45 CFR

77.....776

Proposed Rules:
1601.....495
1612.....501
1614.....509
1620.....512
1622.....514

46 CFR

170.....1524
171.....1524
172.....1524
173.....1524
174.....1524

Proposed Rules:
50.....1072
56.....1072
150.....1550
160.....1558

47 CFR

Ch. I.....1525, 2552
0.....85
13.....1215
15.....2564
25.....2671
31.....782
61.....1215
67.....939
69.....939
73.....273, 1223–1228, 1534, 2564
74.....2564
76.....2565
81.....85
83.....85
90.....783

Proposed Rules:
Ch. I.....1570, 1881
1.....2594
2.....1582
15.....1582
18.....287
31.....1590
32.....1590
33.....1590
62.....976
63.....1890, 2594
67.....2594, 2833
69.....2036
73.....1239, 1241, 2596, 2835
76.....1890, 2594
81.....132
83.....132
90.....865, 1582, 2837

48 CFR

Ch. 1.....1726
Ch. 2.....274
Ch. 5.....945, 1534
Ch. 8.....789
Ch. 61.....1756
1.....2268
12.....2268
14.....2268
27.....2268
33.....2268
39.....2268
52.....2268
501.....2284
515.....2284
522.....2284
552.....2284
1803.....784
1804.....784
1805.....784
1812.....784
1813.....784
1814.....784
1815.....784
1816.....784
1817.....784
1825.....784
1827.....784
1831.....784
1832.....784
1833.....2049
1835.....784
1842.....784
1844.....784
1845.....784
1852.....784

49 CFR

1.....277
171.....798
172.....798
173.....798
174.....798
175.....798
176.....798
177.....798
574.....2287
661.....2289
1033.....2676
1051.....2289
1135.....87
1140.....945
1245.....946
1312.....459
1320.....2289
1321.....2289
1322.....2289
1323.....2289
1324.....2289

Proposed Rules:
106.....288
107.....288
171.....288
172.....288
173.....288
174.....288
175.....288
176.....288
177.....288
178.....288
390.....1243
391.....1243
392.....1243
393.....1243, 1245, 1603
394.....1243
395.....1243, 2297
396.....1243, 1245
397.....1243
398.....1243
399.....1243
571.....294
1057.....517

50 CFR

17.....1056
23.....811
222.....1056
227.....278
258.....1859
550.....2570
560.....2570
611.....460–468, 1862
645.....1229
652.....2292
655.....2050
661.....811
663.....471, 2051
655.....947
671.....2573
672.....467

Proposed Rules:
17.....1247
20.....2298
21.....518
226.....1088
227.....294
611.....1890, 2302
642.....518
651.....2598
655.....1890, 2302
661.....134

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List January 14, 1985

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1, 2 (2 Reserved)	$6.00	Jan. 1, 1984
3 (1983 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1984
4	12.00	Jan. 1, 1984
5 Parts:		
1–1199	13.00	Jan. 1, 1984
1–1199 (Special Supplement)	None	Jan. 1, 1984
1200–End, 6 (6 Reserved)	6.00	Jan. 1, 1984
7 Parts:		
0–45	13.00	Jan. 1, 1984
46–51	12.00	Jan. 1, 1984
52	14.00	Jan. 1, 1984
53–209	13.00	Jan. 1, 1984
210–299	13.00	Jan. 1, 1984
300–399	7.50	Jan. 1, 1984
400–699	13.00	Jan. 1, 1984
700–899	13.00	Jan. 1, 1984
900–999	14.00	Jan. 1, 1984
1000–1059	12.00	Jan. 1, 1984
1060–1119	9.50	Jan. 1, 1984
1120–1199	7.50	Jan. 1, 1984
1200–1499	13.00	Jan. 1, 1984
1500–1899	6.00	Jan. 1, 1984
1900–1944	14.00	Jan. 1, 1984
1945–End	13.00	Jan. 1, 1984
8	7.00	Jan. 1, 1984
9 Parts:		
1–199	13.00	Jan. 1, 1984
200–End	9.50	Jan. 1, 1984
10 Parts:		
0–199	14.00	Jan. 1, 1984
200–399	12.00	Jan. 1, 1984
400–499	12.00	Jan. 1, 1984
500–End	13.00	Jan. 1, 1984
11	7.50	Apr. 1, 1984
12 Parts:		
1–199	9.00	Jan. 1, 1984
200–299	14.00	Jan. 1, 1984
300–499	9.50	Jan. 1, 1984
500–End	14.00	Jan. 1, 1984
13	13.00	Jan. 1, 1984
14 Parts:		
1–59	13.00	Jan. 1, 1984
60–139	13.00	Jan. 1, 1984
140–199	7.00	Jan. 1, 1984
200–1199	13.00	Jan. 1, 1984
1200–End	7.50	Jan. 1, 1984
15 Parts:		
0–299	7.00	Jan. 1, 1984
300–399	13.00	Jan. 1, 1984
400–End	12.00	Jan. 1, 1984
16 Parts:		
0–149	9.00	Jan. 1, 1984
150–999	9.50	Jan. 1, 1984
1000–End	13.00	Jan. 1, 1984
17 Parts:		
1–239	14.00	Apr. 1, 1984
240–End	13.00	Apr. 1, 1984
18 Parts:		
1–149	12.00	Apr. 1, 1984
150–399	15.00	Apr. 1, 1984
400–End	6.50	Apr. 1, 1984
19	17.00	Apr. 1, 1984
20 Parts:		
1–399	7.50	Apr. 1, 1984
400–499	13.00	Apr. 1, 1984
500–End	14.00	Apr. 1, 1984
21 Parts:		
1–99	9.00	Apr. 1, 1984
100–169	12.00	Apr. 1, 1984
170–199	12.00	Apr. 1, 1984
200–299	4.25	Apr. 1, 1984
300–499	14.00	Apr. 1, 1984
500–599	13.00	Apr. 1, 1984
600–799	6.00	Apr. 1, 1984
800–1299	9.50	Apr. 1, 1984
1300–End	6.00	Apr. 1, 1984
22	17.00	Apr. 1, 1984
23	13.00	Apr. 1, 1984
24 Parts:		
0–199	8.00	Apr. 1, 1984
200–499	14.00	Apr. 1, 1984
500–699	6.00	Apr. 1, 1984
700–1699	12.00	Apr. 1, 1984
1700–End	9.50	Apr. 1, 1984
25	14.00	Apr. 1, 1984
26 Parts:		
§§ 1.0–1.169	14.50	Apr. 1, 1984
§§ 1.170–1.300	10.00	Apr. 1, 1984
§§ 1.301–1.400	7.50	Apr. 1, 1984
§§ 1.401–1.500	13.00	Apr. 1, 1984
§§ 1.501–1.640	12.00	Apr. 1, 1984
§§ 1.641–1.850	12.00	Apr. 1, 1984
§§ 1.851–1.1200	14.00	Apr. 1, 1984
§§ 1.1201–End	17.00	Apr. 1, 1984
2–29	13.00	Apr. 1, 1984
30–39	9.00	Apr. 1, 1984
40–299	14.00	Apr. 1, 1984
300–499	9.50	Apr. 1, 1984
500–599	8.00	Apr. 1, 1980
600–End	5.50	Apr. 1, 1984
27 Parts:		
1–199	13.00	Apr. 1, 1984
200–End	12.00	Apr. 1, 1984
28	13.00	July 1, 1984
29 Parts:		
0–99	14.00	July 1, 1984
100–499	6.50	July 1, 1984
500–899	14.00	July 1, 1984
900–1899	7.50	July 1, 1984
1900–1910	15.00	July 1, 1984
1911–1919	5.50	July 1, 1984
1920–End	14.00	July 1, 1984
30 Parts:		
0–199	13.00	July 1, 1984
200–699	5.50	July 1, 1984
700–End	13.00	July 1, 1984
31 Parts:		
0–199	8.00	July 1, 1984
200–End	9.50	July 1, 1984

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	15.00	July 1, 1984
1–39, Vol. II	19.00	July 1, 1984
1–39, Vol. III	18.00	July 1, 1984
40–189	13.00	July 1, 1984
190–399	13.00	July 1, 1984
400–629	13.00	July 1, 1984
630–699	12.00	July 1, 1984
700–799	13.00	July 1, 1984
800–999	9.50	July 1, 1984
1000–End	6.00	July 1, 1984
33 Parts:		
1–199	14.00	July 1, 1984
200–End	13.00	July 1, 1984
34 Parts:		
1–299	14.00	July 1, 1984
300–399	8.50	July 1, 1984
400–End	14.00	July 1, 1984
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